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DEA OVERSIGHT AND AUTHORIZATION

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BEFORE THE

SUBCOMMITTEE ON
SECURITY AND TERRORISM

OF THE

COMMITTEE ON
THE JUDICIARY
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

RESPONSIBILITIES, AUTHORITY, AND ACTIVITIES OF THE DRUG ENFORCEMENT AGENCY

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DEA OVERSIGHT AND AUTHORIZATION

WEDNESDAY, FEBRUARY 23, 1983

U.S. SENATE,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:09 a.m., in room SD-226, Dirksen Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; and Fran Wermuth, chief clerk.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator DENTON. Good morning. I want to welcome everyone to this oversight and authorization hearing on the Drug Enforcement Administration. I am also pleased to welcome Mr. Francis M. Mullen, Jr., Acting Administrator of the Drug Enforcement Administration [DEA], who is here to testify on the activities and progress of the DEA as well as on that agency's budget request for fiscal year 1984.

We have had a change in the membership of the subcommittee. Although he has not arrived yet, I want to take this opportunity to welcome Senator Howard Metzenbaum of Ohio, who is the newest member of the subcommittee.

I have had the pleasure of serving with Senator Metzenbaum in the Senate and on the Judiciary Committee during the 97th Congress and I am pleased to have his most able participation on this subcommittee.

Senator Metzenbaum replaces Senator Joseph Biden of Delaware on this panel. I would like to express the Chair's appreciation for Senator Biden's participation in subcommittee hearings and markups over the last 2 years. Senator Biden has manifested a great interest in the work of the FBI and the DEA and he has demonstrated his commitment to insuring that these agencies have necessary resources to carry out their respective mandates.

The Drug Enforcement Administration is the premier Federal drug enforcement agency. It has the responsibility to provide the leadership in this country's effort to suppress the illegal flow of narcotics and dangerous drugs, both nationally and internationally, and to enforce the controlled substance law to restrict the supply of drugs that are susceptible to abuse.

The subcommittee, pursuant to its mandate and responsibilities, will examine the operations of the DEA. The matters that are too sensitive to be discussed in an open session will be addressed in a closed session scheduled for March 3, 1983.

I believe that it has been and will continue to be mutually beneficial for the subcommittee and the DEA to review together, at the beginning of each year, the significant accomplishments of the DEA and events affecting the agency during the preceding year, as well as to discuss with DEA representatives the forecast and requirements for the next fiscal year.

It is my intention to insure that the DEA has the necessary authority and tools to discharge its investigative responsibilities with respect to the criminal activities in areas under its jurisdiction.

Illegal drug trafficking and drug abuse have received increased attention at the Federal level because of its increased importance in terms of crime and social impact. President Reagan has provided strong leadership in the war on drug trafficking, and the establishment of the 12 regional drug task forces is an important step in this effort. Mrs. Reagan also has an active interest in the reduction of the drug traffic and in the rehabilitation of its victims. I believe, however, that in addition to this commitment to marshal available resources to interdict the flow of drugs into the United States, certain additional steps must be undertaken to stop the flow of drugs at their source. They include a linkage of U.S. economic and military aid with eradication and interdiction efforts by the countries who receive and depend upon our aid. Additionally, our intelligence community must be directed to assign a higher priority to the collection and analysis of intelligence about illicit drugs, and to coordinate much more closely with the law enforcement agencies.

At last year's oversight hearing, Mr. Mullen testified that the DEA was seeing more and more involvement by terrorist groups in drug trafficking all around the world: the Mideast, Europe, and the Caribbean. He further stated that there is a definite relationship between terrorist activity and drug trafficking, with the profits from drugs used to finance terrorist activities. The subcommittee was also told that the Narcotics Intelligence Consumer Committee estimated that the illicit drug industry earned $79 billion in the United States alone in 1980.

Given these realities, it is obvious that the illicit drug traffic provides more than ample resources to groups that utilize terrorism to accomplish their political objectives. Moreoever, given the existing connections among international drug, arms and terrorist activities that have surfaced during the investigation of the attempted assassination of Pope John Paul II, and from the disclosures in the Jaime Guillot-Lara case, it seems to me that much greater attention should be focused on coordination among U.S. agencies. Linkages in what were previously thought to be discrete spheres of criminal activity seem to be well established. The fact of the relationship between terrorism and drug trafficking must be included in the programs of the agencies with responsibilities in those areas, since overlap in their efforts is inevitable.

I expect today, and in the closed session on March 3, we can realistically and forthrightly examine all significant aspects of the DEA performance in 1982, both its shortcomings and its strengths, to insure that the DEA maintains its preeminent position as a leader in the offensive against dangerous drugs.

I will now call on Mr. Mullen for any opening statement that he cares to make.

Mr. Mullen.

STATEMENTS OF FRANCIS M. MULLEN, JR., ACTING ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION, ACCOMPANIED BY JOHN C. LAWN, ACTING DEPUTY ADMINISTRATOR; FRANK V. MONASTERO, ASSISTANT ADMINISTRATOR, OPERATIONS DIVISION; GENE R. HAISLIP, DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF DIVERSION CONTROL; EDGAR L. BARNETT, DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF ADMINISTRATION; AND BOB A. RICKS, CHIEF COUNSEL

Mr. MULLEN. Mr. Chairman, I am accompanied today by John Lawn, the Deputy Administrator of the DEA; Frank Monastero, chief of our Operations Division; Gene Haislip, Deputy Assistant Administrator, Office of Diversion Control; Bob Ricks, chief counsel at DEA; and Ed Barnett, Deputy Assistant Administrator, Office of Administration.

I thank you for the opportunity to appear before this subcommittee to discuss DEA's 1984 authorization. It is a continuation of the President's 1983 program to add resources which will have an impact on drug trafficking and to apply them in a balanced fashion across the criminal justice system.

With your permission, Mr. Chairman, I would like to submit my full statement for the record and to present a brief summary.

Senator DENTON. Without objection, it's so ordered.

Mr. MULLEN. My full testimony outlines DEA's authorization request for 1984. Our request authorizes a domestic program in each of our 50 States, foreign operations in 40 countries, 8 forensic laboratories, and a Federal, State, and local task force program that operates in 19 major metropolitan areas. Program increases will strengthen and modernize the foreign operations, our vehicles, and our automatic data processing and laboratory services program.

The No. 1 crime problem confronting America is drug trafficking which is inextricably tied to organized crime, both in the traditional and nontraditional sense. Outlaw motorcycle gangs, Colombian "cocaine cowboys," LCN syndicates, and the other organized crime groups are more often than not violent profiteers, exploiting a broad range of our population.

Our goal is to stabilize and then minimize the drug problem by insuring that the traffickers are apprehended and convicted, that their drugs are removed from the marketplace, and that they lose their profits and proceeds.

In the past year, we have made great strides in the Federal drug enforcement program. For the first time, we have seen the military provide assistance to the drug campaign. Last year, the Attorney General restructured the DEA and gave the FBI concurrent jurisdiction to enforce the drug laws. This alliance has been very effective. For example, the number of court-authorized drug-related wiretaps has tripled with FBI involvement and support. The number of FBI narcotics cases has increased from under 1 dozen to well over 1,100, which is in addition to DEA's 7,500 ongoing investigations. The number of DEA fugitives has increased significantly.

And general DEA-FBI coordination of training programs, scientific laboratory programs and criminal information sharing has progressed well.

We are now embarking on another major endeavor. Last October, President Reagan announced an eight-point initiative to combat drug trafficking by organized crime which is authorized in the further continuing resolution for 1983. One initiative is the 12 Organized Crime Drug Enforcement Task Forces which cover the entire country. Under the Attorney General's direction, the Federal enforcement agencies are working cooperatively, drawing upon the expertise of each of the participants to conduct investigations at the highest levels of drug traffic to reach the principal players and to destroy the market structure that has developed. I would like to emphasize, however, that this task force program will be supplementing, not supplanting, the ongoing efforts of DEA and the FBI.

Another significant component of DEA's enforcement program is our State and local effort. The State and local task forces, which are geared toward the violent mid-level and street-level violator, is an important avenue of support for State and local enforcement. The El Paso Intelligence Center continues to provide intelligence support for their operations. As part of the President's initiatives, we are continuing and enhancing the State and local training program. DEA's domestic marihuana eradication program, now in place in 25 States, has been extremely effective. Together, we eradicated over 1,600 metric tons in 1982.

It is interesting to note, Mr. Chairman, that prior to 1982, only 1,200 metric tons were being grown in the United States, so we are finding much more out there domestically than we anticipated was available.

The 97th Congress fully supported the drug enforcement effort. As I mentioned earlier, the revision of the Posse Comitatus statute has brought significant assistance from the military, especially in the interdiction effort in the Caribbean. The amendments to the Tax Reform Act have resulted in a more effective working relationship with the Internal Revenue Service. The amendment of the Foreign Assistance Act will permit the State Department to assist foreign countries in the herbicide eradication of marihuana.

I should also mention, the Congress was supportive in funding $127 million to fund the Organized Crime Drug Enforcement Task Force operations.

I thank you, Mr. Chairman, for your support in securing these significant improvements in legislation. We look forward to working again with you in this Congress to seek needed improvements in the forfeiture, tort claims and freedom of information statutes as well as in bail and sentencing reform.

I also want to mention that your hearings last year relating to Cuban involvement in drug trafficking activities focused law enforcement and public attention on this issue. Not only that, but it forced DEA to look inward at some of its own activities, some of its programs, and we have enhanced our efforts in those areas, I believe directly as a result of the hearings held last year.

As you are aware, successful law enforcement efforts resulted in several indictments, including high-level Cuban Government officials.

In conclusion, Mr. Chairman, I believe that the programs now in place have great potential to build upon our recent accomplishments. We will be able to minimize the drug problem and the related problem of violent crime. I appreciate the support of this committee and the Congress that has been demonstrated.

I will be pleased to answer any questions that you may have at this time.

Senator **DENTON**. Thank you very much, Mr. Mullen. As you pointed out, you submitted a longer statement for the record. In that longer prepared statement you mention that the Drug Enforcement Administration is requesting for fiscal year 1984 a total of $275,623,000, and 3,988 permanent positions, an increase of $20,127,000 in funding and 35 positions from the requested 1983 level.

How is this increase going to be apportioned in funding and positions within DEA?

Mr. **MULLEN**. The increase of $20 million will be broken down approximately as follows: about $4.5 million will go into the domestic enforcement program and will be basically used to fund the replacement of 405 vehicles. Within DEA, we have a significant problem at present with regard to the replacement of vehicles, and some have not been replaced for many years and have reached the maximum usage levels of 68,000 or 6 years of age. We also intend to use $860,000 to fund foreign cooperative investigations, to reinforce our efforts in the Middle East and in Europe. This will involve the addition of nine personnel in these areas; $2.5 million will be used to enhance our DEA laboratory operations, especially with regard to the increased submissions from the Federal Bureau of Investigation.

We will also be purchasing approximately 600 radios, 300 mobile, and 300 portable-type radios to enhance our technical operations. This is a very critical area for the Drug Enforcement Administration, and some of the equipment being used in this area is more than 10 years old.

In addition, we will be enhancing our ADP and telecommunications network, not only technically but with additional personnel. This comes to approximately $12 million, these enhancements that I have mentioned. And the other $8 million will be the inflationary increases that will occur.

Senator **DENTON**. Are you able to avail yourself of confiscated and forfeited vehicles, and how much advantage is that?

Mr. **MULLEN**. It's a significant advantage, but many of these vehicles are luxury-type vehicles and of use in investigations and in undercover operations, but, with the current forfeiture law, it often takes a long period of time to gain control of these vehicles and they sit in warehouses and, in many cases, deteriorate. And we have also found of late that some of the traffickers have become aware that their vehicles are subject to seizure and they are driving older vehicles of a nature we wouldn't want to be driving around.

So it's helpful, especially with our investigative activities, but it doesn't suffice to supply DEA with adequate vehicles.

Senator **Denton**. You know that moiety was lost last year during a filibuster of the appropriations bill. How much emphasis would you want us to put on restoring that, perhaps as a separate effort?

Mr. **Mullen**. I believe that moiety would be an essential ingredient in a drug enforcement program. I would like you to place great emphasis. This would give us the opportunity, for example, to have a revolving fund whereby we could handle the administration of seized properties. I don't know if you are aware, Senator, but in one case, DEA, FBI, and IRS seized property valued at about $25 million, and then found that we could not administer the property and had to hire back the individual who was convicted of drug trafficking activities to manage the property for us.

So it would provide us the opportunity to administer these properties. It would also give us the opportunity to pay rewards, significant rewards, to individuals who give us information on drug trafficking. This would go a long way, and, in effect, you would have traffickers paying for their own demise.

Senator **Denton**. Rather than face the same kind of situation which destroyed our effort on moiety last year, I will have the chief counsel of this committee work with your staff to develop a bill which we can easily justify and pass.

Mr. **Mullen**. I am pleased to hear that, Senator. There were many fine provisions in that bill that would have been helpful.

Senator **Denton**. Are you personally satisfied with the fiscal year 1984 request, feeling that it gives the DEA the authority it needs and the funds to fulfill its mission?

Mr. **Mullen**. Yes; I have reviewed the budget thoroughly; I believe we will have adequate funding to perform our mission. Of course, we have the supplemental effort of the President's drug enforcement task forces, together with the efforts of other agencies—the Customs Service, the Internal Revenue Service, the assistance we are receiving from the military. I believe we do have adequate funding and resources to move forward.

Senator **Denton**. Do you see any areas where the DEA's budget can be trimmed? The military are thinking about adding, as they had in my day, when I was a commander, a column in the man's fitness report by which his propensity for effecting efficiencies, fiscal savings, was graded. Do you see any areas where the DEA's budget could be trimmed in these times of fiscal restraint?

Mr. **Mullen**. I do not at this time. We have looked inward to see where we could trim—and we have trimmed, we have in some areas cut nonessential personnel in an effort to get more investigators on the frontline, so to speak. We have abolished the regional structure and have removed a layer of management in order to get more resources into the investigative area.

So, at this time, I do not. We are certainly open to suggestions from you and from members of your committee, and staffers also. But I have to answer that in the negative.

Senator **Denton**. Well, when I hear other law enforcement officials discuss this problem, it becomes evident that law enforcement efforts aimed at the relatively minor misdemeanors or felonies, at the street level, becomes impossible to pursue because of the short-age of personnel and facilities, therefore, they go after the big dealers, the big cases.

Is that the case with the DEA? In other words, are you overstretched already to the point where you feel you are only nibbling away at the problem, or do you feel that you are getting at the substance of the main problem?

Mr. **Mullen**. I believe we are getting at the substance of the main problem. Some recent news articles indicated that in 1982 DEA came out with a draw, a tie. Well, that may be possible; we've had some significant investigative initiatives and some significant successes. The drugs are still out there. But you have to get to the draw position before you can win, and I think 1983 is going to be a key year as we turn this problem around.

But we in DEA do devote our resources, our investigative efforts, at the highest levels, for the most part. But I do believe you have to keep the pressure on not only at the highest levels but at the midlevels, those who are distributing in our cities and our States, and at the street level. And that is where we work with local authorities with regard to the Federal, State, and local task force operations, and these operations involve about 105 DEA agents and 300 local police officers, and DEA provides the resources, the intelligence, the overtime pay, the physical locations where the work forces are located. And so in that manner we are able to address all levels.

Senator **Denton**. You indicate in your statement that DEA has eight forensic laboratories; you also mention that there has been a combining of FBI and DEA scientific laboratory programs.

Might it not be appropriate to combine the DEA laboratory facilities into one laboratory, perhaps centrally located? It might be that the FBI laboratory, which for many years made examinations of material relevant to State narcotics investigations, could expand its facilities to handle all DEA examinations.

Have you looked into that possibility?

Mr. **Mullen**. When the Attorney General first instructed Associate Attorney General Giuliani to take a look at the DEA-FBI relationship, this is one of the areas that we did take a close look at. In fact, the Assistant Director at the time of the FBI laboratory was a member of the committee, and our first view on it was that we could perhaps combine the laboratory facilities, but as we looked at it, as with the DEA-FBI relationship, we saw where DEA would handle all of the drug evidence, not only that obtained by DEA but that from the FBI, and the FBI would handle all other forensic type examinations, the document examinations, fingerprints, of course, in the identification division—but with regard to the regional structure, we found that it has been very efficient, that if we did try to centralize the laboratory, it would take us 20 years, for example, to recapture the cost of combining the labs. And we find by having regional laboratories, we have experts who are right out on the scene, able to testify as expert witnesses in the local court, the Federal court, and we save a significant amount of money with regard to travel.

So we have the two laboratory systems of the FBI and DEA complementing each other. If anything, if I were looking at a laboratory structure, this is one area where I probably would decentralize to make it more effective, more efficient, and have it closer to where their services are needed.

Senator **Denton**. The corruption of public officials—and I dare say individuals who are not public officials—by drug money is mentioned as being a most serious problem. How prevalent is this corruption and what steps are being taken to root it out? I would augment that question with a related question: are judges, particularly Federal judges, imposing bail and sentences commensurate with the profit which can be illegally obtained by drug trafficking? Is there a sufficient and matching deterrent, considering the immensity of the gain involved?

Mr. **Mullen**. With regard to corruption, where public officials are involved in the drug trafficking area, it is a significant problem, there is no question about it. When the DEA and the FBI first began working together in a cooperative relationship, and with Judge Webster in overall policy command of the effort, we found that about 25 percent of our cases involve some sort of corruption. Now, the percentage is not now as high, because the FBI has increased the number of pure narcotics cases. When the FBI was first becoming involved, it was through another jurisdictional interest, a bank fraud or a public corruption case. So I would say it would be in the area of about 50 cases now that we are working jointly and wherein there is corruption on the part of a public official. And it involves Federal, State, local, judicial, executive, and legislative. I can go across the board and even our own organizations are not immune, and I will not point the finger at local police; any level, it hits right across the board. I contend that this is a problem we must resolve if we are ever going to be successful in the drug enforcement effort.

I don't believe we can ever totally eliminate the drug problem in this country; we can bring it down to a bare minimal level, but I believe we must totally resolve the corruption problem and we have a program underway to do so. These cases receive priority attention.

With regard to the judicial system and the setting of bail and the sentencing of drug traffickers, we have noted in DEA a significant improvement in this area. We are seeing more severe sentences, not only on the Federal level but at the local level, and we are seeing higher bails being set for traffickers. I am sure you are aware Senator, that often a $1 million bail is the cost of doing business for these people. We still would like to see a bail and sentencing reform at the Federal level.

For example, in the bail reform, we would like to see danger to the community as a consideration. And we consider every trafficker a danger to the community. We would like to see repeat offenders held with no bail perhaps or with at least heavy bail and other improvements in the bail area.

Senator **Denton**. I remember hearing on a local radio station some months ago charges of gross violations of the law involving narcotics right here on the Hill. I didn't see that much in the paper about it, but this one radio station was really focusing on this issue. They had a metropolitan policeman, as I recall, saying that there had been a real beehive of activity going on and the investigation started but then it was cooled by what apparently was internal, covert congressional influence. During the cooling period, all of the tracks melted away and, in his opinion, there wasn't going to be much come of it.

Have you any comment that you could make about all that in open session?

Mr. MULLEN. Yes, I can comment on that.

That statement by the metropolitan police officer is simply not true. There is an ongoing investigation and I am certain—we are working closely with the House committee that is looking into these allegations—I am certain that the Congress wants these allegations resolved more than anyone else. The investigation is ongoing. It's not as widespread as some of these pronouncements would have you believe. We are getting much cooperation from the Congress. We hope to resolve it in the not-too-distant future, but there is not much to be read about or much to be said about the investigation, and that is intentional. I believe that we have to be very careful in this type investigation and we have made every effort to prevent any leaks about this investigation and I think generally successfully so. That's about all I can say. It is ongoing. Nothing is being covered up or swept under the rug; we are covering every avenue, every possible avenue, and we hope to resolve it in the not-too-distance future.

Senator DENTON. Does that mean that although nothing has yet been proved, eventually there might be some interesting, if not sensational, findings?

Mr. MULLEN. I wouldn't go so far as to say sensational. There will be findings, I am sure, but right now we are dealing with allegations, and we want to resolve them to everybody's satisfaction.

Senator DENTON. Are the public corruption cases referred to State or Federal prosecutors?

Mr. MULLEN. In most all cases, Federal prosecutors and, in all cases, if DEA uncovers a corruption-type case and it's a narcotics investigation, it is referred to the FBI or there is FBI involvement in the investigation. In some cases, unless the head of an agency is actually involved, we will work with the head of the agency, as we did recently in Chicago, Ill., where we worked with Superintendent Breziak, and eventually 10 police officers were indicted there. So those cases are also being prosecuted in Federal court. So generally it will be Federal court.

Senator DENTON. I have read and heard statements to the effect that the underground or illegal drug business being conducted in and with this country actually exceeds the Federal budget.

Is that true? Is there some kind of statement like that that gives the public a sense of the immensity of the problem, especially when compared to the FBI's and DEA's very finite resources to address the problem?

Mr. MULLEN. There is little question—no question—that the traffickers have the resources, the financial resources on their side, many, many billions of dollars. For example, we know that just one bank in Panama returned $1 billion to the Federal Reserve System while only ordering $65 million. Much of that, we believe, is drug trafficking income. That's one bank. So the figures are in the many millions. We do not have an exact figure. There is no question either that the vast profits that are out there do contribute to our inflation problem especially in areas like south Florida where traffickers can come in and pay cash for houses, vehicles, ranches, or what have you. There is little doubt that the trafficking income has had an adverse impact on the economy.

Senator DENTON. If I remember correctly, this profit is taxable income, isn't it?

Mr. MULLEN. It is, and that's why we have of late developed much better relationships with the Internal Revenue Service in working investigations. For example, we send lists of our top narcotics violators and traffickers to IRS for their investigation and in some locations, such as New York City, we actually have IRS agents assigned to the DEA office working closely with investigative efforts.

Senator DENTON. Could you tell us how many prosecutions there were last year and by what general mechanism?

Mr. MULLEN. I would have to get that for the record, if I could, Senator. I do not know the numbers. I do know we have about 50 cases ongoing at present, but I would have to go back and get numbers for you and the nature of the violation and prosecution.

Senator DENTON. Now turning to the age-old question of coordination or lack thereof, even rivalry, between the DEA and U.S. Customs, how would you describe the present status of that relationship and what are the problems, if any, that still impede total cooperation and coordination of effort between the two agencies?

Mr. MULLEN. I do on a continuing basis see media reports of lack of cooperation, but it's simply not the case. There is no question that the Attorney General has overall command of our drug enforcement efforts through the Cabinet Committee on Legal Policy and the Subcommittee on Drug Supply Reduction. At the same time, I am well aware that Customs would like more of a role in the drug enforcement efforts. As you may be aware, this was resolved in 1973 when DEA was made the lead agency. Customs would like to be more involved.

Now, we worked that out in south Florida when we set up the Vice President's Task Force by letting Customs work with DEA, under DEA supervision, in drug cases where interdiction was involved; that is, Customs comes across an attempt to smuggle drugs into the United States, and their agents, working with and under DEA direction, are working in the followup investigations.

I can see where we could expand this nationwide, but I believe that it must be under the direction of the lead agency, and that agency is the Drug Enforcement Administration. I am currently working with Commissioner Von Raab toward possibly expanding this effort, as we have in south Florida, around the country.

Senator DENTON. Is there any tendency, from your point of view, by Customs to infringe on your jurisdiction, to publicize activities as if they are theirs when they are more properly yours?

Mr. MULLEN. I find that a difficult question to answer.

Senator DENTON. Sure.

Mr. MULLEN. I don't want to disturb the pot on anything. But there have been incidents, but I would imagine DEA could be accused of the same thing. That happens when you have bureaucratic agencies working toward the same goal; but I really would be reluctant to point the finger and say that only Customs has done that.

Senator DENTON. You have mentioned the involvement of the military under the amended Posse Comitatus Act. How is that working out? Are the military services showing any particular reluctance? Also, could you give me some idea how that works in the administrative sense; in other words, do you have planes from Key West or do you use planes which may be on carriers working in the Atlantic out of Jacksonville? How does that actually work out?

Mr. MULLEN. I believe the amended Posse Comitatus Act is as significant a development as the involvement of the FBI in drug enforcement, and is going to make as much of a contribution in the long run. It started slowly. It took some time to develop a relationship. We now have a working group or committee chaired by the U.S. Coast Guard, that being also a military organization, and Customs, DEA, and FBI also sitting on the committee.

Senator DENTON. Where does the Coast Guard Chairman sit? Is he out of Washington here?

Mr. MULLEN. Washington, out of Washington. And as I indicated, it worked slowly at first, but it appears with each passing day that the effort of the military is better and better. One of the big advantages was in the interdiction effort, where the Navy made the E2C Hawkeye aircraft available. These fly from land bases as a rule, and the Navy gives us so many days a month, working through Customs or DEA. We tell them where we want these aircraft located, and we do shift them around, up the gulf coast, up along the east coast. The E2C has proven especially effective.

We also have Coast Guard crews on board Navy vessels. The amended Posse Comitatus Act did not give the military arrest powers—and I don't know if you heard of the recent incident whereby the *Nimitz* along with two cruisers intercepted a vessel bringing marihuana into the United States. This vessel was spotted by aircraft from the *Nimitz*, and a Coast Guard crew was placed on board the vessel. So we have seen significant developments.

The one problem area that we did have but now seems to have been resolved was the clause which called for reimbursement wherein the military could ask for reimbursement when they provided services to civilian law enforcement. In a recent gathering at Fort McNair where several hundred military personnel were present, Ed Meese from the White House did address the group and he made the policy statement that he had spoken with the President that very morning and that reimbursement was not to be requested unless absolutely required by law. This has helped a great deal.

We in civilian law enforcement do understand that the military has a primary mission, the defense of our Nation, and we would not want to do anything that would impact adversely on that; but they have helped in many ways, furnished helicopters; for example, the DEA has two helicopters that we are using in an operation in the Bahamas. The Bahamians claim they could not get to these outlying islands to interdict drug activity and now DEA pilots are flying the Bahamian police around on helicopters provided by the U.S. Army.

I understand Customs has received Cobra helicopters and other equipment, radar equipment, to assist in the effort. So it is working well, but it is an evolving thing. With each day, I think it gets better.

Senator Denton. But you still believe that it will accelerate in its development rather than decelerate?

Mr. Mullen. I believe that it will. I know the military recognizes that the drug problem is everybody's problem. In a related area, Senator, I know you would be interested to know that the military has become much more strict with regard to drug use on the part of its personnel; and this has had a very positive benefit, too.

Senator Denton. Thank you.

Last year you stated that, "We are seeing more and more involvement on the part of terrorist groups in the drug trafficking all around the world: the Mideast, Europe and in the Caribbean." You further stated that "There is a definite relationship between terrorist activity and drug trafficking."

During 1982, has there been any information which has come to the DEA's attention indicating that illicit narcotics revenues are used to finance terrorist, subversive, or violent activities in the United States by domestic groups.

Mr. Mullen. Yes, we do have such evidence, not only obtained through DEA investigations but investigations of other Federal agencies as well as foreign police agencies. We recently met with the Italian, French, and Canadian authorities in France and information surfaced at that meeting with regard to terrorist groups using drug trafficking income to support terrorist activities.

Senator Denton. Is that drug trafficking which the terrorist group does or is it a separate group which passes the money from drugs on to the terrorist organization?

Mr. Mullen. We have indication of drug trafficking by the terrorist groups but also taking income from other groups for facilitating or assisting those groups.

Senator Denton. My question pertained to domestic groups. I thought you mentioned a foreign country, Italy.

Mr. Mullen. I said we did meet with Italian, French, and Canadian authorities, but I didn't specify Italy was such a country. This is international in nature.

Senator Denton. Well, how about U.S. domestic groups? Are there terrorist groups active in the United States on which you have evidence that they——

Mr. Mullen. I do not have evidence with regard to domestic groups, but the international terrorist activity does impact upon the United States.

I would like, Senator, to be more specific with regard to identifying these particular groups in a closed session.

Senator Denton. We can have that in closed session or by direct liaison.

Do you have any additional information on national liberation movements, international terrorists, or terrorist groups, any information of any kind you could pass on to us now, realizing the many-faceted responsibilities of this subcommittee?

Mr. Mullen. With regard to specific information, as I indicate, some does come from foreign sources and intelligence agencies; and while I would like to present it at this session, I would prefer to do so in closed session.

Senator DENTON. Do you have any information that political groups that could be characterized as subversive or hostile to the Government of the United States but not terrorist or violent, utilize illicit drug revenues to finance their activities?

Mr. MULLEN. Yes, we do have indications of this type of activity, not again domestic in nature. We have not detected this activity on the part of domestic groups. We do have groups overseas, such as the Shan United Army. This is a group in Northern Thailand and in Burma dedicated to setting up a Shan State in that area. This particular group uses drug trafficking as a means of financing their political goals, and this particular group is hostile to the United States because of their awareness of our efforts to do something about controlling the drug problem which impacts upon their operations.

Senator DENTON. We had some interesting dialog last time about Cuba and whether or not there might be any official involvement. You have been kind enough to mention in your opening statement that the subcommittee was accurate regarding our information relating to Cuban involvement in drug trafficking and that our hearings focused law enforcement and public attention on this issue.

Has the DEA received additional information since the last oversight hearing indicating Cuban Government involvement or acquiescence in illicit drug trafficking? I ask that especially in light of the increased activity on the part of the Navy, for example, which would give DEA a greater capability to gather hard evidence in that respect.

Mr. MULLEN. I believe we do have the authentic evidence now in this regard, in respect to the indictments that have occurred; and some of these involve high-level Cuban Government officials. Since those indictments, there has been limited information indicating involvement on the part of the Cuban Government or government officials in regard to trafficking activities.

I do repeat, however, I believe the indictments do speak for themselves.

Senator DENTON. I understand that in absentia, a vice admiral of the Cuban Navy was indicted in Miami.

Mr. MULLEN. That's right. He was one of those indicted.

Senator DENTON. How about governments other than Cuba involved in the facilitating of drug trafficking; that is, official government assistance or even initiative in that area?

Mr. MULLEN. We do find most governments cooperative in the drug trafficking effort, even some Communist bloc countries. The only other countries I could mention, one would be the prior government in Bolivia where we do believe government officials were involved in drug trafficking and facilitating drug trafficking. A new government is now in power in Bolivia, and they have taken an entirely different posture and, in fact, have taken some action to control this activity.

Also, we have some indications with regard to the Government of Bulgaria, with their lack of cooperation and possible involvement in trafficking activities.

Senator DENTON. The violence on John Paul II's life is getting a lot of publicity. In the January 3, 1983, issue of *Newsweek*, entitled "The Plot to Kill Pope John Paul II," there is an extensive discussion of the Bulgarian-Turkish drug apparatus. According to this article, Bekir Celenk, who allegedly set the $1.7 million price on John Paul's head, is alleged to be boss of a large drug and arms smuggling operation in Turkey. He is also believed to have close links to Abuzu Ugurlu, the godfather of crime in Istanbul, who also happens to own a luxurious villa in Sofia.

What effort has the DEA made to interdict the flow of drugs from Turkey through Bulgaria, and what observations would you make on the level of complicity of the government officials from both of those countries in the illicit traffic?

Mr. **MULLEN**. With regard to the information on Ugurlu, we will have something to say in closed session regarding that issue. And I believe you asked me about the Governments of Turkey and Bulgaria?

Senator **DENTON**. Right.

Mr. **MULLEN**. With regard to the Government of Turkey, that Government has been most cooperative in the drug enforcement effort; in fact, perhaps one of the most cooperative in regard to their dealings with the United States. As you know, some years ago, they eradicated the opium fields in order to assist us in our efforts, so there's a good relationship there.

With regard to Bulgaria, we have furnished information to that Government regarding drug trafficking activities and have never received any information in return and have some indication that some of the drugs seized there have found their way back into the illicit traffic.

[The following response was received from the DEA subsequent to the hearing:]

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, D.C., March 21, 1983.

Hon. JEREMIAH DENTON,
Chairman, Subcommittee on Security and Terrorism, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request of March 3, 1983, for a report on the cooperation of the Government of Bulgaria with the United States in halting the illicit international traffic in contraband, I submit the following.

Bulgarian officials, in recent public statements and contacts with journalists, have attempted to convey the impression that Bulgarian law enforcement agencies and Customs officials cooperate with U.S. law enforcement agencies and that U.S. officials think highly of Bulgarian efforts in the interdiction of contraband. Such statements have appeared most recently in an article by Mr. Wilfred Burchett which was published in the independent radical newsweekly the Guardian. The United States Government has in fact been aware for some time that, at a minimum, the Bulgarian authorities tolerate the activities of known arms and narcotics traffickers who operate from Bulgarian territory. The accumulation of reliable reports regarding this activity led the United States in the fall of 1981 to suspend normal working contacts between U.S. and Bulgarian law enforcement agencies and to halt negotiations on a customs agreement which were then under way with the Government of Bulgaria. Since then, we have made our concerns known to the Bulgarian Government in a number of high-level discussions both in Sofia and Washington. The Bulgarian response to the questions we have raised has been disappointing, though we continue to have hopes of convincing the Bulgarian Government to bring a halt to arms and narcotics trafficking based on Bulgarian territory. We do not intend to resume regular bilateral contacts with Bulgaria in this field unless it becomes clear they will lead to concrete results.

Sincerely,

FRANCIS M. MULLEN, Jr.,
Acting Administrator.

Senator **Denton**. Since the illicit arms traffic seems so closely connected with the drug traffic, what relationship does your organization have with BATF and the Departments of State and Justice in monitoring the illicit arms trade?

Mr. **Mullen**. ATF has the primary jurisdiction with regard to firearms control, and ATF agents are members of the south Florida task force and will be members of the organized crime drug enforcement task forces; so there is a very close relationship and we have an almost daily exchange of intelligence. In the south Florida case, the unfortunate incident where two Federal agents were shot, one of whom was killed. Now, these were ATF agents working on a drug case, so you can see they are directly involved with us and we with them.

Senator **Denton**. OK.

Well, when the flow of drugs and arms are intermingled such as in the international trade, what is the situation there with respect to your interrelationships with other organizations such as State and Justice?

Mr. **Mullen**. We pursue both the firearms problem and the trafficking in drugs. Should we need the expertise of ATF or the FBI, we would make a joint investigation and have done so on several occasions.

Senator **Denton**. In the job description of your DEA overseas personnel, do they collect intelligence or are they directed or authorized to collect intelligence on arms smuggling and so forth?

Mr. **Mullen**. The main function of DEA overseas is to collect intelligence on drug trafficking: but as they carry out their responsibilities and perform their duties, they do come across information involving arms trafficking and we do disseminate that to other agencies, including the CIA, FBI, ATF, and others.

Senator **Denton**. Last year you said that $79 billion was generated in 1980 in the United States by the illicit drug industry. How much revenue is it estimated was generated in 1981 and 1982 in the United States?

Mr. **Mullen**. We have not yet derived an estimate. There is some controversy within the intelligence community, the NICC Committee, the Narcotics Intelligence Consumers Committee, as to the methodology, and so we have been looking at that. For example, the Internal Revenue Service believes that the $79 billion figure was high, whereas, other entities believe that it may have been right or maybe even higher; so we are taking a look at the methodology to see whether we can come up with an accurate figure for 1981, but we have not yet come up with a figure.

Senator **Denton**. When do you expect that dispute to be resolved about the amount?

Mr. **Mullen**. I am told that the figure we are looking for is for 1981 but we have a deadline of May 25 to come up with the new information.

Senator **Denton**. May 25 to get an estimate on 1981?

Mr. **Mullen**. Have the new methodology and then the estimate; yes, sir.

Senator **Denton**. Is there a group working on 1982, and do you have any idea when that might be available?

Mr. MULLEN. The same group who looked at 1981, the National Narcotics Consumer Committee, and DEA chairs that committee, have representatives from all of the agencies with interest: The National Institute of Drug Abuse, the IRS, the CIA, is an observer on this committee; so I don't have a date when we will come up with the 1982. Again, let me inquire. [Mr. Mullen conferring.]

It apparently takes 9 months to gather all this data. It comes from many sources, as you can imagine, so look for about September for 1982 figures.

Senator DENTON. The amount looks as if it could be somewhere around $100 billion by 1982 just for the United States.

Would there be a worldwide figure that you can quote us?

Mr. MULLEN. I could not. It would be just a guess. I think anyone in this room perhaps could give as good a guess. There is no question that it is in the many, many billions of dollars. That is all I could say at this time.

Senator DENTON. You have indicated satisfaction and pleasure with the results of the new DEA-FBI alliance which occurred last year. You have noted the additional resources which have been brought to bear on the drug problem and the increased investigations which have resulted. But, overall, what has been the impact of this reorganization on illegal drug traffic and use in the United States? Is there a noticable decline?

Mr. MULLEN. We have not seen a noticeable decline in the availability of drugs. It remains static. But I believe that, in itself, is an achievement. It is not getting worse. We have seen in the NIDA household survey a decline in the usage, but we are just not seeing it yet in the statistics with regard to seizures, the purity and the price of some of the drugs. I believe we are in the area where we are stabilizing the problem.

With regard to marihuana, however, it is a different problem. We have seen a decline in the use of marihuana, and I believe much of that decline can be attributed to the educational program and not only the efforts on the part of the White House, but on the part of the First Lady. The drugs are still available, but I believe we now have the mechanisms in place and we have these additional resources trained and in the field that will effect a decline.

Senator DENTON. I have heard reports that the heroin supply in eastern Florida is up and that the strength of marihuana being used is up. Are those two statements correct?

Mr. MULLEN. The supply is up slightly, the purity slightly, and the price down slightly. But normally when you have a lower price and higher purity, it indicates that there is more available. But it appears we are now seeing the result of a bumper crop from Southeast Asia.

Senator DENTON. Is that the heroin or marihuana?

Mr. MULLEN. That was the heroin. Also, the quality of the marihuana is up and we are seeing enhanced domestic availability.

Senator DENTON. The people who were using marihuana in the 1960's, is there any indication that that usage has dropped among them or increased?

Mr. MULLEN. You find that, with regard to drug abuse, when people, individuals, reach their forties, you see a decline in the abuse. But the recent decline we've seen in the use of marihuana has been among teenagers, young people, with which I am very pleased.

Senator DENTON. And that has not been accompanied by an increase in usage of harder drugs by this same age group?

Mr. MULLEN. Yes. We never have seen heavy usage of, for example, heroin among the teenage group, but the so-called dangerous drugs, the pills, and so forth. It has remained basically the same. There is more of an awareness on the part of our youth.

Senator DENTON. There is a general impression that there has been an increase in alcohol abuse among our younger people.

Do you have any information on that?

Mr. MULLEN. I am really not aware, Senator, of the level of alcohol abuse, but I can state that, for the first time, the White House policy with regard to drug enforcement does include alcohol abuse as a problem, and I have been told that, for example, that alcoholism may be a worse problem than drug abuse, for example, with regard to some military activities. As we have been successful in our drug control programs, alcohol abuse has become a little more difficult to deal with.

Senator DENTON. You stated at last year's hearing that the abuse of methaqualone was one of the most rapidly increasing drug abuse problems. What is the DEA's position concerning the suggestion that it be removed from the market, since there are safer drugs with fewer and less severe side effects, much lower abuse potential and the same medical complications? Would you consider this to be an effective step in combating the problem?

Mr. MULLEN. Yes; I would. And it is a step that has been taken, in part. Now, the methaqualone issue is perhaps one of the glowing success stories for DEA. We have lowered the quota on that which may be dispensed in the United States. DEA has taken that unilateral action, as we are authorized to do, so there is not as much available legitimately. Also, there have been international initiatives, and we have found all countries involved; for example, Hungary, Austria, Germany, and even the Peoples Republic of China are cooperating in the control of methaqualone. In 1978, 1979, and 1980, we saw the abuse and the injuries resulting from the abuse increasing drastically; in fact, the figure was 154 percent. In 1981 and 1982, we have seen a significant decline in the injuries and deaths resulting from methaqualone use and I believe there was a 67-percent decrease in 1981 and 1982, down from prior years.

So with regard to methaqualone, we received, here again, significant help from the Congress, but the initiatives have worked. We had the stress clinics to deal with and these were merely operations to dispense methaqualone and many of these have been closed down. There have been prosecutions and it is a problem which we are bringing under control.

Senator DENTON. The recently highly publicized John DeLorean cocaine case involved some allegations that the Provisional IRA was involved with him in his alleged drug trafficking activities.

Please tell the subcommittee about information that the DEA may have implicating the IRA or the PIRA in the illegal narcotics trade without dealing directly with the DeLorean case.

Mr. MULLEN. Yes; we have had indications of IRA involvement in trafficking to support their terrorist activities. This is very limited information. For example, in one case we had a vessel used to traffic drugs also used to ship arms to the IRA. Those type of connections.

Senator DENTON. The Irish Northern Aid Committee, have you found any involvement of them with drug trafficking?

Mr. MULLEN. I am not personally familiar with that particular group being involved but if we could furnish that for the record.

[The following was subsequently received for the record:]

The Drug Enforcement Administration has no information regarding the Irish Northern Aid Committee.

Senator DENTON. Much has been said and written about the South Florida Task Force and you have referred to it in your statement. What is your assessment of this effort? Please describe both the successes and failures of this approach to the drug problem. In other words, is it the answer to the drug problem in the United States? How much has it impacted on drugs nationally or has it principally had a regional impact? How about on the gulf coast, for example, my home State of Alabama and the eastern seaboard States? How would you assess it in those terms?

Mr. MULLEN. The south Florida area was an area in turmoil; we'll all concede that. The murders that were taking place, the violent crime which was directly related to drug trafficking, was out of hand.

The South Florida Task Force was designed to alleviate that situation. The South Florida Task Force was a success. For example, murders have decreased by 24 percent in the south Florida area. The indicators are that we have succeeded. Arrests of drug traffickers were up by 40 percent in that area. Seizures were up. This was an interdiction-type task force, designed to handle a regional problem. It has dispersed drug trafficking activities to other areas of the country; the finding, for example, of Florida traffickers showing up in Texas. We are seeing air drops in the United States in such areas as Tennessee; even your State, Senator, Alabama, up along the east coast, more activity along the Mexican border with traffickers bringing marihuana in through that route; but even this has had a positive effect. It has forced the traffickers to go to new areas, with which they are unfamiliar to seek new outlets for their drugs, and I know several cases whereby these groups have come right up against undercover operations being operated by DEA and other Federal agencies. So we have disbursed it; the problem has improved in south Florida; and now with the additional task forces, we are responding; we are flexible; we can move our resources and address the problem wherever it should move.

Senator DENTON. So should one conclude that the concentration on south Florida resulted in a dispersement with no net loss or gain in effectiveness?

Mr. MULLEN. No. There was a gain in effectiveness. The traffickers——

Senator DENTON. Net, in terms of U.S. traffic.

Mr. MULLEN. Yes. They have had to travel further; again, find new outlets, and that has helped law enforcement a great deal.

Senator DENTON. I have heard from the Customs people that they are getting into some pretty interesting situations by trailing planes to landing and then they land behind them on the same field; and you mentioned that you have to have Coast Guard with authority to arrest—where was that, on military aircraft?

Mr. MULLEN. They are on Navy vessels. Boarding parties, for example.

Senator DENTON. I see. Well, there's potential for some real interesting situations, especially with respect to following aircraft to landing fields.

What sort of contingency plans are you making for that and how is Customs into all that?

Mr. MULLEN. Customs has arrest authority relating to smuggling offenses. It's when they detect drug trafficking activities that the case is referred to DEA. But in these cases, if it is a speedy chase, something that occurs on the spur of the moment, Customs would have the arrest authority, could radio for assistance, to local authorities, to DEA for that matter; but they can make the arrest and refer to DEA.

Senator DENTON. In a case like that, with a plane coming from outside the Continental United States, Customs has the right to search without warrant and arrest, don't they?

Mr. MULLEN. Their authority exceeds ours. They have the authority.

Senator DENTON. With the tremendous monetary value of the shipments, and maybe one or two Customs guys, I would think they might need reinforcements.

Mr. MULLEN. The U.S. Customs? They seem to have adequate personnel. I'd have to let them speak for themselves on that. We do work with them. Many of these are cooperative joint ventures with DEA and Customs working together.

Senator DENTON. If it came to it, additional personnel could ride with them to augment them, provide armed protection in case something really broke out. Traffickers seem to flee most of the time, but if they happen to turn on the DEA and Customs agents with some heavy fire, it could be rather hazardous duty.

Mr. MULLEN. That danger is ever present in drug trafficking. Each case has a propensity for violence.

Senator DENTON. What will be the role of the DEA and the FBI in the new regional task forces which have been formed, and to what degree do you see the task force concept contributing to the solution, the overall solution to the drug problem?

Mr. MULLEN. The DEA and FBI investigators will form the bulk of the investigators in the task forces. There will be investigators from other agencies—from Treasury, Customs, ATF, IRS—and there may be occasions when local authorities will be involved. There will be a heavy involvement on the part of DEA and the FBI, not only in the investigation but in the supervision of the investigative activities.

I see the task forces as having a significant impact. For example, when we wanted to start up and get two cases or four cases from each district, no district had any difficulty in referring a case to Washington that was not being worked at all or not being worked adequately. I have had my DEA field commanders tell me that there are cases where they would like to install a wiretap, for example, and we can't do so because we do not have the personnel.

And we will be able to do this now, with these task forces; so I see them having a significant impact, especially on organized crime.

Senator DENTON. Who will monitor your DEA wiretaps, the FBI?

Mr. MULLEN. We have had a lot of experience now in this area. The wiretaps have increased significantly and we usually leave the manner in which it is to be monitored to the local commanders. For example, if the FBI is putting in 15 agents and the DEA 5, most of the monitoring will be done by the FBI in these cases, but with some DEA representation.

We have had cases where the FBI did all the monitoring and the DEA the field work, the investigative work, and other cases where it was split right down the middle. It depends on the availability of resources.

Senator DENTON. How do you work out the allocation of responsibilities in operations between the title III or criminal wiretap and the FISA or national security wiretap? Is it sometimes difficult to know which it is going to be?

Mr. MULLEN. No; I do not know of any case where DEA has been involved in a wiretape under FISA application. There have been some cases within the FBI where, I believe, criminal information has flowed from a FISA installation, but we have not experienced that within DEA to my knowledge.

Senator DENTON. Since you have information indicating the link between terrorism and drug revenues, when does it become a case for the FBI and when does it become a case the DEA?

Mr. MULLEN. Each case would have to be looked at individually. It would depend on the nature of the terrorist activity. We would always try to proceed on a criminal basis to obtain prosecutions with regard to obtaining a wiretap or obtaining prosecutions rather than just operate on gathering intelligence and not pursuing a prosecution in the end. But I could see a case where DEA would supervise the investigative activity, but if it was a preponderance of terrorist activity, I could see the FBI supervising it. But that decision would be made by the local commanders. If there were a dispute, then it would be referred to headquarters and worked out at that level.

We do have, Senator, definitive written guidelines as to who supervises what, who pays the informants, and I would be pleased to submit a copy of those for your review.

[The joint DEA/FBI cover letter and implementation directive appear in the appendix to this hearing.]

Senator DENTON. Are the guidelines public?

Mr. MULLEN. Yes.

Senator DENTON. To the degree that you can in open session, would you explain what resources the DEA has devoted to the intelligence function?

Mr. MULLEN. We have approximately 300 personnel devoted to narcotics intelligence matters. I believe that would include about 65 agent personnel.

Senator DENTON. Does that represent a reorganization of any kind?

Mr. MULLEN. It does not. The only reorganization that has been implemented with regard to intelligence gathering is that we have tried to develop an intelligence program that is more supportive of investigative efforts, something that is realtime intelligence, of use to the investigator on the street.

We had sought and we have received help from the Central Intelligence Agency in assigning personnel to DEA to help us prepare a better product, something that is of more value to the enforcement and intelligence community at large.

Senator DENTON. This leads to another matter. Do you have an analytical capability in-house as well as a collection ability?

Mr. MULLEN. We do have an analytical capability and perhaps—Jack, the number of analysts? [Mr. Mullen conferring.]

We have 140 intelligence analysts at DEA, many stationed in the field, to assist the field investigators.

Senator DENTON. And if you haven't reorganized with respect to the number devoted to intelligence functions, how about the allocations among collection and/or analysis?

Mr. MULLEN. I am not clear on the question, Senator.

Senator DENTON. Have the resources, the money, the man-hours devoted to the collection and/or analysis remained constant 1981 through 1983, or have they fluctuated?

Mr. MULLEN. These have remained constant.

Senator DENTON. You have already mentioned this to a degree, but specifically address how much the DEA depends on the FBI, CIA, NSA, and DIA for its intelligence. In other words, what's the relationship between the DEA and these agencies in the collection and analysis area, and give us an idea quantitatively of the input from each agency.

Mr. MULLEN. The CIA has been tasked under the new Executive order to assist in gathering of narcotics intelligence and the CIA has done an excellent job of furnishing us intelligence, and not only with regard to trafficking activities, but in crop estimates and how much is out there.

We have a group that meets regularly to exchange intelligence, and on a regular basis—a daily basis—there is an exchange of reports of intelligence information from one agency to another.

As you are no doubt aware, as I indicated earlier, in our intelligence program, while we do furnish a strategic product for management to make decisions as to allocation of resources and so forth, the main thrust is to support investigations, and much of the intelligence we do obtain, especially in recent months, comes from the field investigative activities and the enhanced program on the wiretap; so we are obtaining a substantial amount of intelligence from the many court-authorized wiretaps that we have installed.

Quantitatively, I think the bulk of our intelligence comes from our field operatives, especially those that are overseas, and I don't know how to put a numerical quantitative figure on just how much we are getting, but I could, for example, say that we gave 300 items to Customs over a period of time; but to be accurate, Senator, I would like to give that for the record, have that prepared by our intelligence section and furnished to you.

Senator DENTON. Thank you.

[The following was subsequently received for the record:]

DEA produces both strategic and tactical/operational intelligence. Of the total strategic intelligence product of DEA, approximately 25 percent is provided by the CIA and another 10 percent by other intelligence agencies. The remaining 65 percent is developed by DEA resources. Of the tactical intelligence product, DEA resources are the source for approximately 95 percent, with 5 percent from other law enforcement or intelligence agencies.

Senator **Denton**. You have mentioned some things that were news to me about the cooperation of the Communist bloc nations and, of course, it's not exactly a bloc, particularly with respect to the PRC. But do you see the cooperation as being undertaken because of mutual advantage; that is, does the production of a harmful drug, say in the Republic of China, have the same adverse effect on them as it would on us, and therefore it is pragmatic for them to cooperate on the issue?

Mr. **Mullen**. I'd like to answer that in part and then call upon Gene Haislip, who took a direct role in these negotiations and recently met with officials from that country.

I do believe it is beneficial to both goverments, whether it be Communist bloc or our own Government, to deal with the trafficking problem. But with regard to the PRC, I will call on Mr. Haislip. I would like to say when we talk about intelligence gathering in relation to DEA, it concentrates on narcotics intelligence gathering, that being our mission and we basically stay within that mission.

Gene, could you comment on the other, sir?

Mr. **Haislip**. Senator, the particular traffic from the PRC that was affecting the United States was the traffic in methaqualone. And these were shipments that were being diverted from legitimate commerce in great quantities. Now, the Chinese believed that they were dealing with legitimate customers when, in point of fact, this was not the case.

In our meetings with the Chinese, and there have been several, once they became aware of the nature of this traffic and understood its implications for us, they, like all the rest of the legitimate governments of the world, of course, did not want to condone illicit drug traffic and they have taken responsible measures to curb that major source. I believe those measures will be effective and I think we have established a firm basis for a continuing cooperation with them in that regard.

Senator **Denton**. In some Caribbean nations, I have seen a number of articles to the effect that we shouldn't stop their export of marihuana to the United States because they have so much poverty there. I don't want to name a country erroneously, but Jamaica occurs to me. If I am wrong, I apologize to Jamaica. But are there instances like that, where a government is not inimical to the United States but is in dire poverty and is resorting to growing and exporting of marihuana as a means of income and will not cooperate?

Mr. **Mullen**. I have heard that also, and Jamaica would be one of those countries mentioned. I believe that may be a problem in Colombia, and we do have governments who are cooperating with us; for example, Thailand. And the Thais indicate that to go in and eradicate the opium poppies in the hills, and to take this source of income from the hill tribes, not only their source of income, but centuries of tradition, when they used the opium for many things; they can't go to the medicine cabinet, for example, and get an aspirin like we can, and they would use opium to control diarrhea or to keep a baby quiet or something like that. We do hear that even from friendly governments; that it would disrupt the economy.

But we still see in these countries where they have not taken firm action to control the growth of opium, we do see firm action with regard to controlling the traffickers, and it is a dilemma for these countries and one that we hope will be resolved over a period of time through crop substitution, not just eradicating, but giving them something in the place of the marihuana and the opium.

Senator **Denton**. Did you also get cooperation about heroin which is processed from the opium?

Mr. **Mullen**. That's an interesting question because we do find some countries, for example, Pakistan, where there was production of opium and the opium base which was shipped to European countries for processing into heroin, and then on to the United States, and we see the phenomena of laboratories being established in Pakistan and the heroin being produced there, and as a result, a domestic addict population, which then causes serious internal problems for that government.

Senator **Denton**. Yes. That's why I would think it would be mutually beneficial to eradicate in almost all cases.

Mr. **Mullen**. That's right. And there is a relationship to the development of a domestic addict population and the enforcement efforts in many countries.

Senator **Denton**. In the last session of Congress, and at other times, there have been efforts to legalize the use of heroin for medical treatment. For the record, would you give the subcommittee the views of the DEA on this recurring proposal and furnish any supporting documents or studies relied upon for your position in this matter.

Mr. **Mullen**. I would again, Senator, like to call on Mr. Haislip, who has worked with this issue.

Mr. **Haislip**. Yes.

Senator, we have looked into this particular proposition very thoroughly including a national conference on pain and treatment of the terminally ill that was held in Washington only 3 weeks ago, and we have been assured by all of the medical experts in the treatment of cancer, the terminally ill and intractable pain, that heroin has no advantages not possessed by drugs already available on the market. In point of fact, one of the legitimate narcotics, hydromorphone, which is called dilaudid, has twice the potency of heroin. So that there does not appear to be any redeeming value in making heroin available for the treatment of anyone at this time, and there are some obvious disadvantages that might result. But I can assure you in the discussions that we have had, that we would be the first to say that DEA will take responsibility for policing the availability of heroin for legitimate purposes if there were a legitimate reason, but there does not appear to be one.

Senator **Denton**. Some of my most conservative friends have given me information on this subject as recently as 6 months ago when they were pushing for a bill to legalize heroin; so I would appreciate any information to the contrary, particularly if it is as current as a few weeks ago.

Mr. **Haislip**. Senator, that is no problem. We will supply that and I am speaking of the national and international experts in this area. These are the experts.

Senator **Denton**. I would very much appreciate that information. I will put it out with a dear colleague letter.

[The following was subsequently received for the record:]

DEA's Position With Regard to Heroin for Medical Use

Concern about the suffering of persons with terminal diseases, such as cancer, has led to increased pressure for the approval of heroin for pain management. However, the major research programs studying the use of heroin have repeatedly found that heroin does not offer superior pain management and that several legally available drugs, when properly used, are equal to or more effective than heroin for the treatment of pain.

Some points that should be made concerning this controversy are as follows:

(1) There are a number of currently available narcotics which are more potent than heroin, achieve peak effects sooner and last longer than heroin. In fact, heroin converts to morphine in the body, thus producing no appreciable analgesic advantage over morphine. Drugs such as Numorphon and Dilaudid are two to three times as potent as heroin.

(2) "Muscle-wasted" patients are often cited as needing heroin because of difficulties in administration. However, significant advances in pain management are providing alternative drug therapies and administration modes, including more concentrated dosage forms of currently available drugs, intravenous infusions, oral preparations and even implantable and external pumps for administering drugs.

(3) Dr. Robert G. Twycross, a British investigator who conducted some of the initial research on heroin at the St. Christopher's Hospice in London, England, in the early 1970's and a recognized authority on pain management, has stated "my work showed that heroin is no better than morphine. Morphine is available in the United States: there is no need for heroin." (June 10, 1982.)

DEA has repeatedly stated that it would not deny patients a necessary drug with a legitimate medical use. However, research has repeatedly shown that heroin is not necessary for pain management. This was reaffirmed at the January 28, 1983, AMA-PHS Conference on the Care of Patients with Severe Chronic Pain in Terminal Illness. This, combined with the obvious abuse problems associated with heroin, the safety problems and the diversion potential if it were approved for distribution to the registrant population, all support the concept that, unless there is an approval for medical use by FDA and a clearly demonstrated need, heroin properly remains in the realm of a research drug. Heroin's current status as a Schedule I drug provides for adequate control while allowing its use in continuing research on pain management.

We understand the concern of various groups regarding the pain and suffering of terminally ill patients. However, heroin is not a panacea for the problem. The continued pressure to approve heroin for medical use, in direct conflict to the scientific findings, provides only false hope. Those associated with the management of pain are making strides in the understanding of pain and the ways of treating it. It is their efforts that will ultimately provide for the needs of their patients and not a hasty and ill-advised rush to approve heroin for medical use.

Senator **Denton**. Mr. Mullen, would you please give the subcommittee the benefit of your forecast for 1983? What challenges do you foresee and what tactics and perhaps changes in organization do you anticipate will be useful in confronting the challenges?

Mr. **Mullen**. I think many of the necessary changes have been made and we have discussed some of those today. We have discussed earlier posse comitatus, the involvement of the FBI, and the task force operations being set in motion right now.

I believe we have the mechanisms in place. I have been somewhat taken aback as I become more involved in the drug enforcement efforts by the availability of drugs. There just seems to be more out there than either I or others suspected was out there; and I cited in my opening statement the fact that we eradicated domestically 1,600 metric tons of domestic marihuana and that we had only estimated to 1,200 metric tons. And we did not eradicate 100 percent. So this coming year, the enforcement efforts will be enhanced. I would look for successes, greater seizures, and I would hope a reduction in the drug abuse problems in this country, and this includes the area of domestic growth of marihuana, where last year we had 25 States involved in enhanced programs. We will increase that even further this year and see if we can't cut off the supply through interdiction.

I cannot speak for the State Department or Mr. DeCarlo who heads up that operation. But I think the programs on eradication and crop substitution are some years away, and the domestic enforcement effort is something that we can control, something that we can put the resources into and something that we can direct; and I think we are in the posture of doing that at this time. I am hopeful of a significant success.

Senator **Denton**. What would you consider your priority programs to be in 1983?

Mr. **Mullen**. I didn't get into the priority program with regard to drugs. For many years, the priority enforcement effort was in the area of heroin, but we have found that, for example, marihuana and cocaine constitute the major problem in southeast Florida. They are not as difficult a drug to deal with from the standpoint of health abuse but the attendant violent crime is there. So we now have each area of the country telling us what their problems are.

For example, heroin is the priority in New York City and in Chicago, Ill., and after we receive these reports from our field elements, we then determine our national priorities and where we have to support and put our resources.

Senator **Denton**. Would you now address the need for improving the Freedom of Information Act?

Mr. **Mullen**. I believe that this area is critical and requires immediate attention. I do know that the Congress is taking a look at the issue. I fully understand the purpose of the Freedom of Information Act and agree with its principles, that an open government has a responsibility, not only to the Congress but to the public and to the press. But where we have difficulty is wherein DEA is receiving 60 percent of the requests on FOIA from the criminal element, and this causes us great concern. We do have definite indications of some foreign governments not furnishing us information because they are unclear as to what it will mean in dealing with the Freedom of Information Act, whether information will surface, and some difficulty in developing informants or sources of information.

So an amendment to protect investigative files, perhaps a moratorium as has been suggested by Judge Webster, on releasing information from investigative files, would be very, very helpful.

Senator **Denton**. In your prepared statement you have listed changes to the Posse Comitatus Act, the Tax Reform Act, and the Foreign Assistance Act as significant improvements in legislation which has assisted the DEA in doing its job. Are you satisfied with the DEA's working relationship with the IRS, or are there other steps yet to be taken to improve this relationship?

Mr. MULLEN. The working relationship is better, not totally what we would like to see. There is still some difficulty in the exchange of information. While there has been improvement—for example, the U.S. attorney can now obtain information for investigative purposes—we do not have that free exchange of information, I believe, that is necessary in an enforcement effort.

Senator DENTON. Aside from the Freedom of Information Act considerations, which you have already mentioned, what about forfeitures, tort claims, bail, and sentencing? What are your specific legislative recommendations in those areas?

Mr. MULLEN. As you may be aware, the Department is preparing a comprehensive package covering all of these areas, but with regard to, Senator, taking the last one first, we would like to see at least some enhanced sentencing where drug trafficking is involved, where the court officials will have the ability to impose more severe sentences on traffickers.

I mentioned earlier bail reform where we would like danger to the community to be a consideration and where repeat offenders will be a consideration.

Under the assets forfeiture provision, we would like to see the administrative limit raised from $10,000 now and where there is no challenge, we would like to see that raised to $100,000. You have vehicles, for example, now that are worth $50,000 and the $10,000 limit is unrealistic.

I mentioned earlier the administrative handling where if we had reform under the forefeiture laws, we would have funds, the revolving fund provided to administer the properties that we seize and also help us to use moiety or give rewards for information leading to the arrest of traffickers.

Senator DENTON. What about tort claims?

Mr. MULLEN. Tort claims, this also should be a priority, and in this we are looking of course for the Government, where an agent has acted responsibly, the Government to be substituted as the defendant in any suits. We are looking for protection for our agents out there so they will not be inhibited in the performance of their duties.

Senator DENTON. This is somewhat off the subject but a couple of months ago at the instigation of a Chicago disk jockey, and the municipal authorities went along with it, a reward was offered for people who called in information regarding drug trafficking on a hotline. They got a sensational response.

Do you regard that as some kind of stunt or do you see it as something that might fit into a category paralleling the President's Task Force on Private Sector Initiatives as a way to attack some of our social problems; in other words, a way to get private citizens involved in doing things that the Government is being paid to do?

Mr. MULLEN. I see that as more than a stunt. We have seen these turn-in-a-pusher programs and they have been very effective. I have to confess that DEA, to my knowledge, hasn't taken a leading role in stressing these programs. Perhaps it is something we could discuss more and see if we can't get more community involvement in that area. The programs have proven effective where they have been used around the country.

Senator DENTON. I would ask you not to forget this project. Please check into the feasiblity of this approach and report back to us as to what DEA can do in this respect to assist such local efforts.

Mr. MULLEN. I will do that and report back to the committee.

Senator DENTON. Thank you, sir.

You mentioned new organized criminal enterprises dealing in drugs such as 800 outlaw motorcycle gangs, prison gangs, Southeast Asian groups and the Colombian "cocaine cowboys," which utilize violence as their primary tactics.

You further state that they are the groups that must be immobilized if they are to control the drug problem.

How would you immobilize them; and where do you get your intelligence on those gangs, especially the motorcycle and prison gangs?

Mr. MULLEN. To immobilize these groups, and we are taking some action—I know you've probably read or heard of groups that continue to function, involving themselves in trafficking activities right from the prison and using in some cases prison telephones.

But in these cases we are going to use the traditional investigative techniques. We are going to use every tool at our command: the undercover operation, which is very effective in this area, the court-authorized wiretap, the use of sources and I think the difference from past activity is we are going to concentrate on these groups. We are not going to have such a narrow definition of organized crime that we stay with the so-called traditional elements, but any type of organized crime activity.

Senator DENTON. Thank you, sir.

I am amazed at the literature on the newsstand, such as a motorcycle publication and a drug-oriented publication, which contain advertisements regarding ways to evade the Coast Guard and the Customs. I find it unbelievable that this would go on. It's so flagrant. What agency of the Government would be involved in that?

Mr. MULLEN. Well, these publications you refer to, I am well aware of them and other publications and activities, and they are right on that fine line, freedom of the press and violating the law. In fact, we have had some activities exposed by these publications wherein we have investigated programs and there was some discussion in there as to how to evade detection by the DEA. But it is akin or comparable to, Senator, the monitoring of our radio frequencies whereby, again, the list of the FBI and DEA and other police frequencies are listed in radio shops and made available to anybody who wants to purchase them, and thwart our investigative activities in this manner.

So we do have problems in this area and you have the freedom of information, freedom of the press, the public's right to know, as opposed to criminal activity to thwart investigative efforts. It's a difficult area.

Senator DENTON. Yes, it's difficult. And I am sure in many places, along the borderline, but it would seem to me that from some of the advertisements I have read, that a firm case could be made that one is advertising for a fee to give counsel on how to violate the law. I would think that this in itself is illegal, and would be, in terms of interstate commerce, something that we could address.

Mr. MULLEN. I have my chief legal counsel present, Mr. Bob Ricks. Would you like to hear from him?

Senator DENTON. Yes, sir.

Mr. RICKS. Senator, as Mr. Mullen indicated, it becomes very technical. If it is an outright request to enter into a contract to violate the law, that would be a violation of the law. However, these are generally couched in vague terms offering advice of one type or another which would be the normal relationship between attorney and client or adviser in a counsel-type role. It goes back to the days of evasion of the Selective Service laws: When are they actively soliciting the evasion; are they merely assisting in providing advice? They are very difficult matters to prosecute.

You would have a great reluctance on the part of a U.S. attorney to authorize a prosecution in that instance because you are involved in first amendment protected rights in that situation.

Senator DENTON. Do you follow up by responding to such advertisements and then read the response to ascertain the degree of incrimination which might be inherent in the response rather than in the advertisement?

Mr. MULLEN. What I would like to do is discuss this line of questioning in the closed session. I think it would be beneficial.

Senator DENTON. Fine. On page 3 of your prepared statement and in your opening remarks, you mentioned Federal, State, and local task forces in selected areas, that is, in 18 major metropolitan areas.

Are these different from the South Florida Task Force and the new regional task forces; and, if so, would you tell us more about those task forces, where they operate and what they target against?

Mr. MULLEN. Yes. These are different, and there are actually 19 now, there were 18. These are formal task forces consisting of DEA agents and local police. State police, for example, in New York City; we have New York City Police, New York State Police and DEA agents, and these task forces are directed at the mid- and lower-level trafficking activity but on occasion will get involved in a major operation. DEA provides the working facilities, the automobiles, the resources, even the overtime pay for the police officers involved. In other words, we are providing the support resources and the local police are providing the bodies. The superintendent of the Chicago police, Richard Breziak, recently told me he had more police officers in the local DEA office than we had agents, and it turned out that he was accurate.

So these are very effective task force operations and I would not want to leave you with the impression that we have these operations only in 19 locations. We have many ad hoc operations in other locations around the country.

Senator DENTON. As you know, I am a Senator from Alabama and I am planning field hearings in that area. Would you provide the subcommittee with a report on the level of illegal drug activity in Alabama, particularly after the dispersal that took place after the concentrated effort in south Florida and on the DEA's interdiction efforts there at the present time?

Mr. **Mullen**. I did ask that very question. I do not have numbers, but I am told there has been an increase in activity in Alabama but it is not as substantial an increase as we have seen in areas such as Tennessee and in the Carolinas.

If I could, Senator, I would like to provide you with the exact figures for the record. And I will do that very soon.

[The following was subsequently received for the record:]

The Drug Status in Alabama

Unlike its neighboring States of Tennessee and Georgia, Alabama has not become a major new entry location for either seaborne or airborne drug shipments from South America or the Caribbean. This may be because of the State's distance from traditional narcotics entry points in southern Florida. There has been some use of clandestine airstrips by drug-laden aircraft in Alabama, but, again, not on the scale noted in Georgia or Tennessee. Use of gulf ports or other landing points for drug shipments has been minimal.

The State of Alabama is involved with domestic marihuana cultivation; however, in relation to many other States, the problem is less serious. The majority of the domestic marihuana grown in Alabama is for local consumption. DEA is monitoring the domestic marihuana problem in Alabama, which is a participating State in DEA's domestic identification and eradication program.

In 1982 Alabama ranked as a moderate State, arresting 21 individuals for illicitly cultivating marihuana and destroying 118 plots containing 34,905 plants. This compares to a high of 515,660 plants seized in Hawaii and a low of 100 seized in Delaware.

The 10 major marihuana producing counties are:

Cleburne County
Fayette County
Tuscaloosa County
Dallas County
Lowndes County
Baldwin County
Lauderdale County
De Kalb County
Calhoun County
Winston County

DRUG USE

While heroin availability remained relatively low during 1982, such heroin substitutes as T's and Blues (pentazocine) and Dilaudid are widely distributed by street dealers in Birmingham and Mobile. Over 75 percent of all narcotic drug arrests in Birmingham are represented by these heroin substitutes. Prices have increased from $9-10 per set to approximately $10-12 a set for T's and Blues. Prices for other dangerous drugs remain unchanged at $30 for 4 mg. Dilaudid tablets and $10 for 60 mg. Demerol tablets.

METHAQUALONE AND BARBITURATES

Methaqualone and barbiturate counterfeits are widely available at $3-5 per tablet on the street. In addition to smuggled supplies, there appears to be locally manufactured sources of methaqualone (Rorer 714) counterfeits.

Barbiturate availability is unusually high on the entire Gulf Coast including Mobile, as compared to the situation nationally. In particular, amobarbital retails for $3 per capsule, significantly cheaper than the national average of $4-5 per capsule. The sources of these drugs appear to consist of unethical pharmacies and "script doctors."

COCAINE

Local law enforcement in both Birmingham and Mobile note a significant increase in the number of cocaine "street" dealers. Purities vary widely, at approximately 30-40 percent at the ounce level, with purities at the gram level of 12-15 percent. As is the case in Louisiana, cocaine definitely appears to be a drug of growing popularity in Alabama.

DEA EFFORTS

DEA continues to watch the traffic in Alabama and along the entire Gulf Coast to determine what impact, if any, will be felt as a result of the South Florida Task Force, currently underway. To date, there has been no reported significant change in activity in Alabama.

Senator DENTON. Well, this has been most interesting and informative, Mr. Mullen. I am impressed by the way there has been reorganization and adjustment in the DEA and the FBI; I also admire your persistence in attacking what constitutes a tragic and immense national and international problem. I want to assure you again that, aside from these hearings, my staff director, Mr. Lisker, and I stand ready to hear from you at any time on matters which assist the DEA in what you are doing. Several specific examples came up today; namely, the moiety proposition and the dear colleague letter on heroin. I would like to get something back reasonably soon so that we can get going on these two items for you.

Also, the project on ways of working with the disk jockeys. I am sure you fellows, in order for you to survive, have to be pretty innovative. I am sure you have come up with some great ideas. I'd like to hear them.

As usual you will receive written followup questions from me, or the other members of the subcommittee, and I would ask that you submit your written responses within 30 days from the time you receive the questions. Again, thank you for your cooperation, and your excellent testimony.

Mr. MULLEN. Thank you, sir.

[The prepared statement of Mr. Mullen follows:]

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF THE ACTING ADMINISTRATOR, FRANCIS M. MULLEN, JR., BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON SECURITY AND TERRORISM

FEBRUARY 23, 1983

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before this Subcommittee to discuss the Drug Enforcement Administration (DEA) Authorization request for 1984.

The 1984 request is a continuation of the President's 1983 programmatic thrust to bring additional resources to bear on drug trafficking and is in line with the Attorney General's determination to apply resources in a balanced way across the criminal justice system.

Based on the Attorney General's study of violent crime, a Law Enforcement Coordinating Committee (LECC) was established in each judicial district. The LECCs' identified drug trafficking as the priority problem.

In January 1982, the Department first addressed this need for an increase in our emphasis on drug enforcement and the organized criminal enterprises involved in drug trafficking, by assigning to the FBI concurrent jurisdiction with DEA for investigating violations of the U.S. drug laws.

Further, partially as a result of the success of the President's South Florida Task Force, it was decided to launch a vigorous nationwide attack on the drug trafficking problem.

An "8-Point" plan was announced by the President on October 14,

1982. Subsequently, the Administration's budget amendment, to support the Organized Crime Drug Enforcement program (OCDE), was authorized in the Further Continuing Resolution for 1983 (P.L. 97-377).

Twelve task forces have been established in key areas in the United States. These task forces, under the direction of the Attorney General, will utilize where necessary the law enforcement resources of the DEA, FBI, IRS, ATF, Immigration and Naturalization Service, the U.S. Marshals Service, the Custom Service and the Coast Guard. In addition, in some regions, Department of Defense tracking and pursuit capability will be made available.

These task forces will mount an intensive and coordinated campaign against international and domestic drug trafficking.

1984 Authorization Request

The Drug Enforcement Administration is requesting for 1984 a total of $275,623,000, and 3,988 permanent positions. This request represents an increase of $20,127,000 in funding and 35 positions from the anticipated 1983 appropriation of $255,496,000, and 3,953 permanent positions. This Authorization finances a nationwide operation with field offices in 50 states, foreign operations in more than 40 countries, 8 field forensic laboratories, and Federal/State and local task forces in selected areas.

Program increases amounting to $11,515,000 within DEA's regular 1984 budget will provide for strengthening and modernizing the Foreign Operations, Vehicle, ADP, Radio and Laboratory Services programs.

Further, 250 positions and enhanced ADP capabilities are to be funded within $24,076,000 to be allocated from the OCDE appropriation.

Management of Federal Drug Enforcement

In the Spring of 1982, the Congress was advised of organizational changes to provide greater flexibility in the management of drug enforcement resources within the Department of Justice.

The new DEA/FBI alliance has exceeded our expectations to date. Since the summer of 1981, FBI narcotics investigations have grown from 100 to over 1,000. Investigations involve organized crime, financial crimes, and public corruption. Joint DEA/FBI investigations have increased from a handful to over 300, an example of agency cooperation. The FBI has also dedicated its resources to drug-related Title III investigations, which as you all know, are extremely manpower intensive. In the first six months of 1981, which basically predates direct FBI involvement in drug investigations, DEA conducted 19 Title III electronic surveillances. During the same time frame, one year later, with both DEA and the FBI utilizing this approach, there were 55 drug-related Title III investigations initiated, a 244 percent increase!

As a part of our efforts, we have begun cross-training DEA and FBI Agents for better interagency understanding and to make each agency's expertise available to the other.

FBI Special Agent accountants--useful in dealing with the financial end of the drug trade--the FBI's network of informants and experience with long-term undercover operations and organized crime investigations are all important tools brought into this partnership.

DEA and the FBI are also coordinating utilization of the scientific laboratories to make them available to both agencies. Intelligence analysts from both DEA and the FBI have been working closely together to ensure that all intelligence data bases are effectively searched to provide specific targetting information to the agents in the field.

Drug Traffic and Organized Crime

Crime has become increasingly organized and sophisticated. Organized crime has become especially lucrative because of the enormous market for illicit drugs. Drugs and organized crime have combined to wreak havoc on our communities, our lives, and our children's future. Directly or indirectly, it threatens each person and institution in this country. It threatens the fabric of society.

On the human level, the drug problem caused by organized crime is staggering. Drugs victimize not only addicts, but also those innocent citizens whom addicts assault, rob, and burglarize to obtain the large sums of money they need to feed their drug habit. One study demonstrated that over an eleven year period some 243 addicts committed about one half million crimes--an average of 2,000 crimes each or a crime every other day--just to support their habits. In fact, half of all jail and prison inmates regularly used drugs before committing their offenses. According to a Rand study, addicted offenders in California committed nearly nine times as many property crimes each year as non-addicted offenders.

The drug trafficking that creates this flood of crime is itself organized crime. Large-scale drug dealers must organize their operations. They obtain the illicit substances, or the rights to the substances, overseas. Within our borders, the drug dealers have set up elaborate enterprises for cutting the imported drugs and distributing them over wide geographical areas.

And the organization does not stop there. Drug money is laundered through legitimate businesses set up as "fronts" for drug dealers. A share of the profits is then reinvested in the drug business, just like a legitimate major enterprise. Increasingly, some of the profits are actually invested in legitimate businesses, including real estate in Florida, restaurants in California, and other businesses across the Nation.

The popular notion that the syndicate--or traditional organized crime--stays out of drugs is simply not true. Many of the syndicate's families have developed elaborate drug networks. Virtually every one of them is involved in drugs in one way or another.

But the problem of organized crime today is by no means limited to its traditional form. In the past two decades, we have witnessed the emergence of new organized criminal enterprises dealing in drugs and the other rackets traditionally controlled by the syndicate. These emerging groups have entered the drug business, often in competition with traditional organized crime.

Over the past decade, some 800 outlaw motorcycle gangs have developed around the country and in foreign countries--and drugs represent their primary source of revenue. Prison gangs, first established as a result of associations developed in the California State Prison system over the past twenty years, today operate both inside and outside prison and are spreading beyond the West Coast. In addition, there are other emerging groups--such as Southeast Asian groups, the violent Colombian groups known as the Cocaine Cowboys, and other drug cartels.

All of these criminal organizations deal in drugs and use violence. They are secretive, self-perpetuating criminal societies involved in drugs and every other sort of criminal activity. Money is their common objective, and violence is their primary tactic. They control large-scale drug trafficking today, and they are the groups that must be immobolized if we are to control the drug problem.

The massive involvement of organized crime with drugs is, however, only part of the problem. Organized groups of criminals assault and murder each other--and innocent bystanders--in the violent and lucrative world of drugs.

And most serious of all, we see public officials at all levels being corrupted by drug money. We have reports of rural sheriffs and police officers accepting payments of $50,000 or more just to "look the other way" while traffickers make a single landing at a makeshift airport. The dollar amounts involved are so great that bribery threatens the very foundations of law and law enforcement.

United States Government Strategy

The number one crime problem confronting America is narcotics trafficking combined with organized crime. The strategy of the U.S. Government must be to deter trafficking of drugs through increased and consistent punishment, and to assure the certain loss of accumulated profits and proceeds of this criminal enterprise. The Federal Government has made a firm commitment to attack this problem domestically through the major new initiative to establish 12 Regional Task Forces. The President has said: "Our commitment to this program is unshakable--we intend to do what is necessary to end the drug menace and cripple organized crime".

Drug control is an international issue. All of the heroin and cocaine and most of the cannabis available in the United States is cultivated and processed from sources in Southwest Asia, Southeast Asia, South America, the Caribbean and Mexico.

It is important to stop drugs at or as close as possible to their source rather than as they approach or cross United States borders, because quantities seized at the source are much larger and purer and have not entered the expansive distribution chain which ultimately lead to the streets of United States cities.

Consequently, DEA personnel are stationed in foreign countries to support host countries' efforts to eliminate cultivation, production and conversion of drugs and to stop shipments of drugs destined for the United States. These efforts include the provision of technical assistance through training and the exchange of intelligence in cooperative investigations. Stopping drugs within the source country or as close to the source as possible has proven to be an effective approach to reducing the supply of illegal drugs.

Finally, we must also approach the demand issues and make the use of drugs less appealing through better education of the public about the health consequences of drug abuse.

Assessment of the Drug Trafficking Situation

Based on the latest available full year data, we can state that, during 1981, that heroin abuse and availability increased in the New York-Washington, D.C. corridor and on the West Coast. Cocaine abuse continued to expand. Marijuana use peaked among youth in 1979, but may still be rising among older age groups. Abuse of stimulants continued to increase, while a new abuser population that has evolved out of the search for heroin substitutes emerged. Preliminary indications drawn from 1982 data suggest these tendencies continued well into 1982. Although 1982 survey data indicated that the number of current users of illicit drugs dropped significantly between 1979 and 1982, drug related deaths and injuries appear to have increased primarily because of chronic use, increasing dose, the use of combinations of drugs and more dangerous routes of administration (especially for cocaine and herion).

Heroin

Comparing 1981 with 1977 in terms of heroin-related emergencies, the situation deteriorated in New York City, Washington, D.C., Boston, and Philadelphia.

Imports of heroin into the United States remained unchanged from 1980 to 1981 at four metric tons. Southwest Asian (SWA) heroin accounted for over half of the U.S. heroin supply. The share of Southeast Asian (SEA) heroin in total U.S. imports remained stable at an estimated 10 percent despite increased opium production in the Golden Triangle (Burma-Thailand-Laos) following relief from drought. Mexico continues as the major heroin source for the West and Southwest.

Drug smuggling routes and techniques in 1981 were largely unchanged from those employed in 1980. SWA heroin continued moving overland through Europe. SEA heroin continued to enter the United States primarily on a direct route from Thailand to the western states. Importation of Mexican heroin is increasing and continued to enter the United States primarily overland. For the foreseeable future SWA heroin will be readily available in the United States. Mexican heroin is likely to remain dominant in the West and may increase in availability in some distribution centers in the central states. SEA heroin, rarely an aggressive contender, will probably continue to occupy only a minor share of the national market if SWA and Mexican heroin remain generally available.

Cocaine

Cocaine abuse and trafficking activity continued to rise in 1981, although for the most part at lower rates than in 1980. Cocaine-related emergency room episodes increased seven percent and arrests five percent, while treatment admissions apparently continued a rapid climb.

According to NIDA estimates, seven to ten percent of the user population fall into the category of heavy use involving higher levels of purity and lower prices per unit associated with the larger quantities used. Cocaine remains the drug most frequently used by heroin addicts as a secondary drug.

An estimated 34 metric tons of cocaine were consumed in the United States during the year and 75 percent of the cocaine smuggled into the United States came from Colombia.

The drug smuggling routes and techniques in 1981 were largely unchanged from those employed in 1980. Utilizing commercial aviation, smugglers continue to move cocaine from Colombia, through the Caribbean area to the Southeastern U.S.

Because of increasing availability, cocaine abuse is likely to continue to increase. This increase in availability is also expected to lead to the increased use of dangerous forms of cocaine ingestion ("speedballing" and "freebasing"), forms with potentially severe health consequences. Cocaine is expected to remain a popular secondary drug for heroin users.

Cannabis

Marihuana use has peaked among youth, and demand for marihuana in that age group is apparently decreasing, in part because of greater awareness of its health hazards and peer disapproval. Daily use of marihuana among high school seniors was down to the 1975 level of 6 percent or about one in every 16 seniors according to a recent survey funded by the NIDA. The best news said NIDA, was that between 1981 and 1982, high school seniors showed a declining use of nearly all drugs. Marihuana use appears to be continuing among that segment of the population who were heavy users in the early 1970s.

The level of domestic commercial production of marihuana was estimated at 1,000-1,200 metric tons in 1981. High-potency varieties, such as sinsemilla, account for an estimated 40 percent of total output. However in 1982, 1,653 metric tons were seized and destroyed which would indicate that either the 1981 estimate was low, there was a sizable increase in cultivation in 1982 or a combination of both.

Imports of marihuana dropped nine percent in 1981 to an estimated 8,700-12,700 metric tons. Colombia supplied 86 percent of this total.

The principal avenue of approach for marihuana smuggling was a route from Colombia through the Caribbean to the Southeastern United States.

For at least several years marihuana use should continue to decline among youth but may remain fairly high among those in the 20-30 year age bracket. Although it is difficult to measure the demand for high-potency marihuana, preference for this type of marihuana is likely to persist and possibly increase among long-time and regular users.

Domestic production of marihuana will continue to spread throughout the country unless it is met with a credible and sustained law enforcement deterrent.

Dangerous Drugs

Stimulant abuse, which continued to increase in 1981, accounted for over four-fifths of the total dosage units of dangerous drugs sold. Because a large dosage of this stimulant is needed to obtain the desired effect, the cost of sustaining this abuse habit is higher than for other types of dangerous drugs.

Abuse indicators reflected the emergence of a new narcotics abuser population using pharmaceutical opiates and narcotics analogs. Initially used as heroin substitutes, these substances are drugs of choice preferred to heroin or used in combination with heroin. The drugs most commonly associated with this abuse pattern are pentazocine (street name: "T's and Blues"), codeine-glutehimide (street name: "Fours and Doors") and hydromorphone (Dilaudid).

Clandestine laboratories supply all of the phencyclidine (PCP), nearly all of the methamphetamines and about 80 percent of the amphetamines found in the U.S. illicit market.

Diplomatic initiatives with the governments of foreign methaqualone producers were instrumental in sharply reducing supplies to illicit channels before 1982.

Continued international cooperation should restrict the supply of bulk methaqualone to the illicit market. This reduced supply will probably result in the continued marketing of diazepam counterfeits as methaqualone. Abuse of the pentazocine and codeine-glutehimide combinations is likely to intensify. Although Dilaudid has also become popular as a drug of choice, it is so much more expensive than pentazocine that its use may not become a major abuse pattern. Mexican "mini-bennies" may return to the illicit U.S. market if amphetamine abuse continues to grow and domestic clandestine laboratories are immobilized.

Effect of Enforcement Efforts

Our enforcement efforts are having a positive effect now. With the increased resources being allocated to this fight we should be able to stabilize drug trafficking and reduce its impact on the lives of our citizens and communities.

Our government's commitment to eradicating the drug abuse problem has been conveyed to authorities at the highest levels in source and transit countries. We have seen many positive results from our overseas efforts.

Heroin couriers have been intercepted in Bangkok as they were about to board flights for Guangzhou (Canton), Peoples Republic of China where a number of narcotics arrests have been made by Chinese authorities.

Chinese authorities have made a number of narcotics arrests in Guangzhou. Evidence indicates that the heroin contraband was destined for Hong Kong.

The Mexican government has continued its aggressive poppy eradication program. However, it must be noted that counter/measures by the opium cultivators, including concealment, smaller plots and the spread of cultivation of new regions, have resulted in a rise in opium production from an estimated 10 tons in 1979 to 14-15 tons in 1980 and 1981. On the other hand marihuana eradication efforts have achieved considerable success.

The Bolivian government stated its intention to implement coca eradication, although no eradication was actually carried out.

Peru's program to eliminate illicit coca cultivation in the Upper Huallaga Valley within five years entered into the initial implementation phase. The Colombian National Police and Attorney General's office carried out periodic manual eradication of coca bushes in the Llanos region.

On January 18, 1983, the successful undercover penetration of a major cocaine conversion and distribution organization resulted in the delivery and seizure of 50 kilograms of cocaine HCL to agents in Brazilia. Brazilian Federal police have so far seized properties and vehicles valued at a half-million dollars.

Cooperative activities among domestic Federal agencies have resulted in successes such as:

1. The seizure on March 9, 1982 of approximately 3,748 pounds of cocaine in an air cargo shipment at Miami International Airport.

The seizure was the direct result of information developed by the DEA in the follow-up investigation of a joint DEA-U.S. Customs seizure of 90 pounds of cocaine on February 19, 1982, at Miami Airport from another air cargo shipment.

2. On June 24, 1982, the Drug Enforcement Administration, assisted by U.S. Customs Service, Suffolk County Police, Nassau County Police, and the New York State Police, arrested four defendants in Long Island, N. Y. and seized approximately 614 pounds of cocaine which had been transported from Colombia.

Task forces and operations like GROUPER and TIBURON in the southeastern United States, have demonstrated the utility of coordinated enforcement activity and intelligence sharing.

EPIC

Nine Federal agencies participate at the EL Paso Intelligence Center (EPIC). Forty-nine states or state affiliations are now members of the El Paso Intelligence Center. EPIC continues to provide real-time operational feedback on queries. It has been invaluable to the South Florida Task Force effort, working as a check and relay for the interdiction of suspect aircraft vessels. EPIC supports all our major drug operations and also acts as a clearing house for intelligence regarding aliens and guns.

Posse Comitatus

Along with involvement of the FBI, another major development in the drug enforcement effort has been the involvement of the military in drug intelligence operations. We are only beginning to see the results of this new resource.

In conjunction with the South Florida Task Force and related operations, the Navy E2C's (Hawkeye Aircraft) provide detection capability and Army's Cobra helicopters have been utilized as chase aircraft. The Navy has been regularly and increasingly relaying suspect vessel information to EPIC for evaluation and action. The Navy has provided direct assistance to the U.S. Coast Guard and participated in the boarding and taking custody of a suspect vessel. Coast Guard crews are also onboard some Navy vessels.

We are now working on refining policy and procedures to ensure that the military is fully aware of drug law enforcement's needs and how they can be of assistance nationwide. The Coast Guard is chairing an interagency committee of the DOD, Customs Service, and DEA to funnel requests for military assistance to the drug enforcement effort. We foresee continued equipment and manpower support for vessel and air operations in the Caribbean, for vessel tracking, for surface fleet training, and for marihuana eradication programs in the U.S. in 1983.

Asset Seizures

Enforcement of the laws to ensure that the profits from drug trafficking are reduced has led to action such as:

In Miami, where the government seized and forfeited $9.6 million in assets including a Wisconsin restaurant, five airplanes, eight bowling alleys, 10,000 shares in the Alaska Cable System and a Lamborghini sports car;

In Fort Worth, where the government became co-owner of a steel mill, three banks, six ranches, a chain of Western-wear shops all valued at $2 million and an additional $20 million in Exxon stock; and

In Los Angeles, where the government took over a $1-million home in the hills of Santa Barbara.

In 1982, total seizures reported under the various applicable laws were again up over the preceeding year.

DEA is assisting States to develop laws based on DEA's Model Forfeiture of Drug Profits Act. Eleven States have now passed such legislation and are now putting the proceeds from seized and forfeited property to work for the benefit of law enforcement activities and the community.

Domestic Marihuana Eradication

The domestic marihuana eradication campaign is now an ongoing DEA/State effort. DEA began its model eradication program in 1979 in Hawaii and California and now there are 26 individual state programs in various phases of implementation.

The use of paraquat in the Florida eradication program is a milestone in the domestic marihuana eradication strategy. I hope that where it is appropriate, feasible, and cost effective, other states follow Florida's lead. The use of this herbicide is a clear signal--and one that is needed--to the governments of drug source countries, that the United States is seriously committed to drug eradication.

In 1982, 3,625 separate plots were raided and more than 2 million marihuana plants destroyed.

This program will be expanded during the 1983 growing season and major strides should be made in the next few years.

State and Local Assistance

The investigation of drug trafficking is a joint responsibility of Federal, State and local authorities.

DEA's State and local task force program, wherein we apply about 100 agents and the State and local agencies about 300 officers ensures that there is sufficient activity geared to the violent street-level and mid-level drug trafficking.

DEA can assist the States in other ways, also, to bring positive results in the overall drug abuse problem. We have been providing counsel and prepared model legislation which addresses the drug paraphernalia problem. Approximately 35 states, the District of Columbia and hundreds of municipalities have responded and passed legislation. Recent Supreme Court decisions affirmed the constitutionality of municipal drug paraphernalia statutes which are less restrictive than DEA's Model Drug Paraphernalia Act .

The problem of "look-alike" drugs, over the counter preparations designed to look alike prescription drugs, is very much analogous to the paraphernalia problem. Even though DEA has no authority under the Controlled Substances Act to proceed against these manufacturers and distributors, we have been assisting the states by drafting model legislation to assist in the development of an appropriate response.

Legislation

The 97th Congress fully supported the drug law enforcement effort. As I mentioned earlier, the revision of the Posse Comitatus statute has brought significant assistance from the military, especially in the interdiction effort in the Caribbean. The amendments to the Tax Reform Act have resulted in a more effective working relationship with the Internal Revenue Service. The amendment of the Foreign Assistance Act will permit the State Department to assist foreign countries in herbicide eradication of marihuana. I thank you for your support in securing these significant improvements in legislation. We look forward to working again with you in this Congress to seek needed improvements in the forfeiture, tort claims and freedom of information statutes as well as in bail and sentencing reform.

I also want to mention that your hearings last year relating to Cuban involvement in drug trafficking activities focused law enforcement and public attention on this issue. As you are aware, successful law enforcement efforts resulted in several indictments including high level Cuban officials.

Conclusion

No crime problem is more important than drug trafficking and drug abuse; no problem is more challenging to law enforcement at every level--Federal, State and local.

This Administration has made clear its commitment to drug control and minimizing the crime associated with drug trafficking.

I am confident that the implementation of the initiatives I have discussed today will have significant impact on the problem. I want to acknowledge the continuing support of this Subcommittee and thank each of you for your interest. I will be pleased to answer any questions you may have.

Senator **DENTON**. This hearing is adjourned subject to the call of the Chair.

[The hearing recessed at 12:04 p.m.]

APPENDIX

Additional Submissions for the Record

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

March 12, 1982

President Ronald Reagan has mandated that the Federal Government will do its utmost to assist in the reduction of crime throughout the Nation. In keeping with this mandate, during the past year Attorney General William French Smith initiated a task force to examine in depth the crime problems facing this country today. The task force findings endorsed, among other items, the proposition that the Attorney General should support the implementation of a clear, coherent and consistent national policy with regard to narcotics and dangerous drugs, reflecting an unequivocal commitment to combating international and domestic drug traffic.

The Attorney General, in order to insure maximum effectiveness and efficiency in the enforcement of criminal drug laws in the United States, on January 28, 1982, made the resources of the FBI available to complement and supplement those of the DEA in this effort. To this end, the FBI concurrently with the DEA was granted authority to investigate violations of the criminal drug laws of the United States. To insure complete coordination of the drug enforcement effort of the U. S. Department of Justice, the Administrator of the DEA will perform his functions under the general supervision of the Director of the FBI and will report through him to the Attorney General as appropriate.

This initiative by the Attorney General in harnessing the investigative resources of these two great institutions with long, proud and richly deserved records of achievement is unparalleled. The enclosed implementation directive, prepared jointly by the FBI and the DEA, addresses areas in which the FBI will supplement and, just as important, complement the efforts of the DEA in jointly attacking the drug crime problem nationwide. Acting Administrator Mullen and his field representatives will continue to be the primary architects of the Federal drug enforcement program after coordination with their FBI counterparts. Periodically, this directive will be reviewed with participation from each agency through the Headquarters Review Committee.

This directive and, more importantly, our joint efforts will ultimately succeed only with the full realization of all investigative personnel that we in the DEA and FBI are allies joined together in a unique venture to address the most significant crime problem facing the Nation today. I am confident that through the dedication, cooperation and professionalism of all personnel, we will accomplish our mandated goals and will have a major impact on the illicit trafficking of drugs.

William H Webster
William H. Webster
Director

Francis M. Mullen, Jr.
Francis M. Mullen, Jr.
Acting Administrator
Drug Enforcement Administration

I. BACKGROUND

Illicit drug traffic presents an ever-increasing threat to our society, its institutions and people. The Attorney General has identified drug trafficking as the number one crime problem in the United States. Clearly, an increased Government response is needed. On January 28, 1982, the Attorney General issued an order delegating to the FBI concurrent jurisdiction with DEA for investigations of violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970, hereinafter referred to as the Controlled Substances Act. The Attorney General also announced that the Administrator of the DEA will function under the general supervision of the Director of the FBI, who will continue to report to the Attorney General. This decision recognizes that the strengths and unique capabilities of each agency, when joined together, will result in a more effective national drug investigative effort. The purpose of this joint directive is to implement the Attorney General's decision.

II. ROLES

The Attorney General has mandated that DEA will continue to function as the principal Federal drug enforcement agency, responsible for the enforcement of the Controlled Substances Act; the Diversion Control Program for the legitimate drug industry; drug intelligence analyses; and publication of appropriate strategic assessments.

In delegating concurrent jurisdiction to the FBI as it relates to the Controlled Substances Act, the Attorney General has mandated that the FBI assume a significant drug enforcement role working in close cooperation with DEA. He has also directed that FBI expertise in such areas as organized crime (OC), financial investigations and white-collar crime investigations be fully utilized in drug enforcement work.

In furtherance of these directives, the FBI will focus its resources on drug investigations involving traditional OC families (La Cosa Nostra), violence-prone, nontraditional OC groups such as the outlaw motorcycle gangs, and ethnic or racial OC groups such as the Israeli, Mexican and Black Mafias and

La Nuestra Familia. The DEA will continue to focus on investigations of major drug organizations according to established priorities. Where feasible, the FBI and DEA will buttress each other's investigative role by utilizing each agency's intelligence base and expertise. Nothing in the above delineation of roles will preclude either agency from coordinated selection of prioritized, mutual targets of opportunity.

The specific areas of responsibility and requisite coordination between DEA and FBI will vary with the availability of resources and the extent of the drug crime problem in a particular field division. Therefore, it will be incumbent upon FBI and DEA field office management to identify the major drug-trafficking groups in their divisions and, thereafter, either individually or jointly target them for investigation, utilizing available resources and expertise of both agencies.

In major urban areas, the number of joint investigations will be greater, necessitating close coordination to preclude duplication of effort and minimize physical danger to personnel. In areas with less DEA presence, the FBI will be expected to conduct drug investigations in conjunction with DEA, but with minimal direct support from DEA.

Both DEA and the FBI will place strong emphasis on major distributors and organizations involved in the manufacturing, importing, distributing and financing of illicit controlled substances. To effectively immobilize these major organizations and traffickers, conspiracy investigations (particularly the use of the Continuing Criminal Enterprise and Racketeer Influenced and Corrupt Organizations Statutes) should be the focal point of our investigative efforts. Resources, both personnel and financial, should not be devoted to targeting street violators, which would duplicate the role of state and local law enforcement agencies.

III. COORDINATION OF INVESTIGATIVE ACTIVITY

A. Introduction

A successful cooperative effort against drug trafficking will depend, in large measure, on the degree of coordination and the spirit of cooperation at all levels. All Special Agents must recognize that rules and procedures cannot substitute for good-faith cooperation, which will be expected from all personnel of both agencies. Concurrent jurisdiction in drug investigations without proper coordination could cause not only inefficient use of resources and information, but create dangerous situations in street operations. Inefficiency caused by duplication of effort or failure to take full advantage of opportunities to combine resources or information for a better investigative product must be avoided.

B. Headquarters Coordination

1. The Executive Headquarters Staff of DEA and FBI will meet regularly, as appropriate, to insure mutuality at the policy level.

2. A Headquarters Review Committee, consisting of equal FBI and DEA representation, will be established. The purpose of this Committee is to monitor the implementation of this directive, develop new national-level initiatives and resolve any problems referred by field office management. Prior to this Committee addressing field disputes, efforts must be expended to resolve such problems at the lowest possible level by respective agency counterparts.

3. FBI and DEA will each assign a Special Agent Supervisor in a liaison capacity at the opposite Headquarters for the purpose of insuring day-to-day coordination and cooperation in investigative activities.

C. Field Coordination

1. Management Meetings: The Special Agents in Charge and appropriate supervisory personnel of both agencies will be responsible for the implementation of this directive. Thereafter, meetings will be held on a regularly scheduled basis to enhance coordination, resolve problems and discuss ongoing or contemplated operations which may affect or be of interest to the other agency. It is expected that first-line supervisors of both agencies will have an ongoing dialogue with their counterparts.

2. Exchange of Liaison Officers: In all field offices,

DEA and the FBI will each assign an experienced Special Agent on a liaison basis for the purpose of insuring day-to-day coordination and cooperation in investigative matters.

3. Investigative Coordination:
    - a. Federal-level drug investigations fall into one of three categories:
        - i. Investigations of matters within the DEA's area of responsibility as outlined under Part II of this directive and conducted solely by DEA or by DEA with agencies other than the FBI;
        - ii. Investigations of matters within the FBI's area of responsibility as outlined under Part II of this directive and conducted solely by the FBI or by the FBI with agencies other than the DEA; and
        - iii. Joint FBI/DEA investigations.
    - b. With the exception of minor drug investigations targeted at low-priority subjects such as those conducted by the FBI on Indian or Government Reservations and by DEA at ports of entry, i. e. airports, all drug investigations instituted unilaterally by the DEA or the FBI should be coordinated through the liaison Agents at the field office level in order to:
        - i. Insure that the DEA or FBI does not currently have an investigation ongoing with regard to the proposed targets of the drug investigation;
        - ii. Obtain all intelligence information each agency may have regarding the targets of the proposed investigation; and
        - iii. Determine any interest on the part of the FBI or DEA to enter into a joint investigation regarding the targeted subjects.

c. At the outset of joint investigations, a specific plan should be devised at the field office level regarding the role of each agency (FBI/DEA) in the investigation. Each Headquarters should then be advised of this plan by established procedure.

d. Request for Investigative Support: DEA may request assistance from its counterpart FBI field office for manpower support or investigative expertise which cannot be met by available DEA manpower. Conversely, the FBI may request assistance from its counterpart DEA field office for manpower support or investigative expertise which cannot be met by available FBI manpower. Examples of such operations could include, but are not limited to:

   i. Development of Title III intercepts (including the use of FBI/DEA technical expertise and/or equipment if necessary);
   ii. Manning of undercover operations;
   iii. Long-term surveillance operations;
   iv. Large-scale arrests and/or searches and seizures; and
   v. Assistance in the development of the financial aspects of drug investigations.

e. Joint FBI/DEA Investigations: Joint investigative efforts on a long-term basis are encouraged when the investigative targets are appropriate and resources of the respective agencies are available. Such investigations will require approval at the FBI/DEA Headquarters level. Funding of drug purchases, other operating expenses and dissemination of informant information will be handled in accordance with information set forth in other portions of this directive.

IV. INVESTIGATIVE MATTERS

A. Investigative Expenses

As a matter of policy, each agency will bear its own investigative expenses and acquire supplemental funding through established agency's procedures.

Where one agency plays a minor, supportive role, the primary agency will supply the funds for the purchase of drug evidence.

In joint investigations, the agency responsible for funding purchases of drug evidence will be decided at the development of the operational agreement.

Policy relative to payments to informants is discussed in Subsection IV., C.

B. Access to Information Systems

Both the FBI and the DEA have developed a variety of information systems which will be utilized in drug investigations. As a matter of policy, there will be a full exchange of information in keeping with the mandate of complete, mutual support. Each agency will be responsible for searching its own data bases or other information systems upon request, or in keeping with proper investigative routine and providing the results to the other consistent with the intent of this directive. The Headquarters Review Committee, among other duties, will develop procedures for indexing into agency files.

C. Informants and Cooperative Witnesses

Informants will continue to be handled and supervised by their respective agencies. Each agency's informants will be routinely debriefed on matters of interest to the other agency. To facilitate this, a debriefing guide will be provided containing areas of inquiry pertinent to each agency. The respective Special Agents in Charge will be responsible for the prompt, complete dissemination of informant information to their counterpart.

Cooperative witnesses will be controlled by the appropriate agency. In joint investigations, there must be an agreement as to which agency will control the cooperative witness to insure consistent and productive use. As with informants, appropriate dissemination of information must be made.

Informant payments will generally be made from the funds of the agency controlling the informant. Payments to informants of the other agency can be made in appropriate cases with concurrence of the respective Special Agents in Charge, Headquarters' approval if necessary and appropriate documentation.

D. Technical Support to Investigations

As a general rule, each agency will provide its own technical support as dictated by needs and capability. Should a need be identified in the local field office of either agency which cannot be locally met, support will be sought from that agency's Headquarters, as would normally be the case. If the support is needed on a short-term basis, the Special Agent in Charge, at his discretion, may seek assistance from his counterpart as this will be most efficient and cost effective in such situations. Longer term or more sophisticated requirements will be forwarded to the appropriate Headquarters where the support will be provided or sought from the counterpart Headquarters staff. A program will be implemented within the technical support structure of each agency to familiarize each other on available capabilities to insure that investigations are enhanced to the fullest within the total capability of both agencies.

E. Evidence Processing

1. Drug Evidence - As a matter of policy, the DEA laboratory system will be responsible for the analysis of all drug exhibits collected, purchased or seized by either agency under any circumstances. Conversely, the FBI laboratory system will be responsible for analysis of all nondrug evidence requiring examination or analysis for investigations of either agency. Latent fingerprint examinations will also be accomplished in the FBI Identification Division for both agencies. This policy recognizes the efficient use of developed expertise, especially as it relates to expert testimony at time of trial. Any evidence submitted for analysis to the facilities of either agency will be

processed with the same priority as if submitted by personnel of the host agency.

Where drug evidence is acquired in a joint FBI/DEA investigation, custody normally will be assumed by DEA for processing and submission to the laboratory.

Of special note is drug evidence seized by the FBI incidental to the arrest of a DEA fugitive. The processing of this evidence will be coordinated with DEA field management to assure that the prosecuting U. S. Attorney's Office is afforded the use of this additional evidence at trial. This may require transferring custody of the drugs to DEA for processing or direct FBI submission to the DEA laboratory handling other drug exhibits in the case.

2. Nondrug Evidence - Special Agents in Charge will be responsible to insure that the investigative value of nondrug evidence of interest to the other agency is shared fully consistent with the intent of this directive.

3. Clandestine Drug Laboratories - Special caution must be taken relative to the seizure of clandestine drug laboratories by Agent personnel. This caution cannot be overstated, as the common presence of explosive chemicals and the delicate nature of closing down an in-process operation present real dangers. Therefore, unless there are the most extenuating circumstances, neither FBI nor DEA personnel will attempt the seizure of a clandestine laboratory without the presence of a DEA chemist experienced in the required procedures.

F. Furnishing Controlled Substances

Controlled substances are by their very nature harmful to humans and, therefore, require a special degree of care in handling. The responsibility for keeping these substances out of the hands of the public applies to all law enforcement personnel. The handling of these substances must be distinguished from other forms of contraband or instruments of criminal activity. However, there are certain circumstances in which it is advantageous to an investigation to furnish small quantities of controlled substances to a violator through an undercover Agent or informant. The furnishing of a controlled substance by an Agent of the Government is considered sensitive enough to require the personal approval of the Administrator of DEA. In joint investigations, concurrence of both Headquarters will be required.

The Acting Administrator of DEA will develop standards for making decisions for furnishing controlled substances, mentioned above, and for allowing drugs to leave the Government's control, mentioned under Subsection G, which apply equally to DEA and FBI. This approach will provide for consistent standards for both agencies, and these standards shall be implemented upon approval of the Director of the FBI. Drugs shall not be allowed to leave the Government's control without the concurrence of the Acting Administrator of DEA unless specifically authorized by the Director of the FBI.

G. Other Instances of Allowing Drugs to Leave the Government's Control

There will also be situations when specific information is developed by an informant or through other investigative techniques, such as a court-approved electronic intercept, regarding the shipment, delivery or location of controlled substances not directly controlled by the informant or undercover Agent. In these situations, the respective Headquarters must be immediately advised by teletype if there is not an immediate plan to seize the controlled substances. In certain cases, it may not be appropriate to seize such drugs in order to enhance the effectiveness of an investigation (e.g., continue Title III, begin new Title III, develop undercover operation). The FBI or DEA may continue an investigation without seizing substantial amounts of illicit drugs only when authority is obtained from the Administrator of DEA. In joint investigations, the concurrence of both Headquarters will be required.

H. Show Drugs

In some instances in order to develop evidence of a subject's involvement in a major drug conspiracy, undercover Agents may pose as drug manufacturers or distributors rather than drug buyers. This type of undercover operation may require the display of quantities of controlled substances obtained from a DEA regional laboratory. Approval for such activity must be sought from the appropriate Headquarters following established procedures and, in joint investigations, concurrence of both Headquarters will be required. In conducting this type of undercover operation, the FBI and DEA will insure that close contact and coordination are maintained between each other, and the agency (FBI/DEA) conducting the operation will insure proper coordination with state and local agencies in order to avoid a confrontation situation.

I. Seizure of Trafficker Assets

With the delegation of concurrent drug investigative jurisdiction to the FBI, Special Agents of the FBI will be authorized to seize property or other assets of traffickers as provided in Section 881 of the Controlled Substances Act following established procedures. The disposition of property suitable for official use will be made with the seizing agency having the first opportunity to place the property in service. In joint investigations, disposition of property suitable for official use will be discussed and agreement reached at the field level.

J. Fugitives

The FBI has agreed to provide direct assistance to DEA in the apprehension of significant DEA fugitives who are U. S. citizens and believed to be residing in the United States. These investigative matters will continue to receive priority investigative attention within the FBI. The initiation of these investigations will be coordinated by FBI Headquarters with direct support from DEA Headquarters. At the outset of the fugitive investigation, the appropriate DFA field office will provide all known information regarding the individual, and DEA will subsequently conduct no unilateral investigative efforts to apprehend the subject. Upon apprehension, the appropriate FBI Special Agent in Charge will be responsible to insure that his counterpart is expeditiously advised of the apprehension of the subject.

K. Coordination with Other Law Enforcement Agencies

The implementation of concurrent drug investigative jurisdiction will require close attention by the Special Agents in Charge and Headquarters' officials to insure that traditional interagency relationships will not be disrupted. DEA will continue to be the agency responsible for coordination of the drug program with state and local agencies. This role will also continue in relation to U. S. Customs Service, U. S. Coast Guard and others involved in the various drug interdiction efforts. DEA, in consultation with their FBI counterparts, as appropriate, will continue to be the spokesman for the Federal drug program.

In those investigations where DEA is playing a minimum support role or is not directly involved, a key element in the FBI's ongoing coordination efforts will be the advisement of DEA of the FBI's interaction with state or local law enforcement agencies in the investigation.

All Special Agents in Charge will be held accountable to insure that "agency shopping" by third parties does not develop.

The Special Agent in Charge of the respective agency should insure that their drug-related initiatives are known at the appropriate Law Enforcement Coordinating Committees.

L. Conduct of Foreign Investigations

In keeping with the principle that the United States Government should present a single point of contact with foreign drug enforcement counterparts, DEA will continue to be responsible for the conduct of drug investigations in foreign countries. This will include the investigation of leads generated in all types of FBI/DEA cases. In joint cases, the domestic DEA offices will transmit the investigative leads following established procedures. Where the FBI is conducting a drug investigation and there is minimum DEA participation, the request for foreign investigation will be transmitted to FBI Headquarters which, in turn, will task DEA Headquarters to transmit the lead to the appropriate DEA foreign office for action. An information copy of the request will be provided to the local DEA office by the originating FBI office for information and coordination. An information copy of investigative matters involving FBI interests will also be simultaneously provided by the DEA Country Attache to the FBI Legal Attache for information. Any involvement of FBI personnel in foreign investigations must have the concurrence of both Headquarters.

M. Referral of Public Corruption Information

A priority within the FBI is the investigation of public corruption which is showing a significant increase in relation to drug trafficking. As a matter of policy, any drug case initiated by DEA which develops a public corruption aspect will be immediately coordinated with the appropriate FBI Special Agent in Charge and a mutually agreed upon plan established for pursuit of the case. Additionally, DEA informants routinely will be debriefed regarding public corruption matters. Indications of drug-related corruption on the part of foreign officials will be forwarded to the appropriate DEA foreign office for action. The DEA foreign offices will coordinate such information with the FBI Legal Attache having geographic jurisdiction for the country involved.

Any information developed which reflects on the integrity of employees of either agency will be immediately forwarded, following established procedures, to the Office of Professional Responsibility of the originating agency with a copy to the counterpart Special Agent in Charge. The respective Headquarters' Office of Professional Responsibility Staff will insure transmittal of employee-related allegations to the other on a timely basis for appropriate investigation and disposition.

N. Reporting Investigative Results

When an investigation is conducted primarily by one agency with the other agency providing minimal support, the reporting rules of the principal agency will be followed throughout. In joint FBI/DEA investigations, a determination will be made at the outset as to which agency's reporting rules will be utilized in order to prevent duplication of recorded information.

O. Measurements of Accomplishments

As a result of concurrent jurisdiction, DEA and the FBI will each establish internal procedures for monitoring resources committed and results achieved in joint or independent cases, consistent with each agency's internal management controls and needs. In addition, it will be the responsibility of the Headquarters Review Committee to establish a common system for measuring accomplishments. The elements of this system, as well as reporting requirements, will be agreed to by each Headquarters and appropriate procedures established and published.

V. TRAINING

FBI Headquarters, in concert with DEA Headquarters, will be responsible to insure that a sufficient number of FBI Special Agents receive requisite training to conduct Federal-level drug investigations with minimal support from DEA. Conversely, DEA Headquarters, in concert with FBI Headquarters, will be responsible to insure that all DEA Special Agents are apprised of traditional FBI jurisdictional interests and an appropriate number of DEA Special Agents receive requisite training to enhance these joint efforts.

VI. PROCEDURES

The Headquarters Review Committee will be responsible to oversee the development, coordination and implementation of the necessary procedures for the implementation of the policy established in this directive. It is expected that procedures will be published within each agency consistent with the directives and management systems in force in each; however, all procedures or subsequent policy published as a result of the delegation of concurrent drug investigative jurisdiction to the FBI, must be coordinated with appropriate elements of the other Headquarters.

RESPONSES OF THE DEA TO ADDITIONAL QUESTIONS SUBMITTED BY SENATOR DENTON

1. Has the DEA received additional information since the last oversight hearing indicating Cuban government involvement or acquiesence in illicit drug trafficking?

What of governments other than Cuba which are involved in or facilitate drug trafficking?

DEA has previously responded fully on these issues.

2. It has been stated that 75% of the cocaine and 86% of the marihuana smuggled into the U.S. comes through or from Colombia. What other drugs come via Colombia?

Describe fully the role of Colombia in the illegal drug traffic into the United States.

Provide an assessment of the level of cooperation that the government of Colombia has rendered in addressing the Colombian role in the illegal drug trade.

What would be the impact on the drug traffic into the United States if Colombia or Colombians were no longer involved in any way in the illegal drug trade?

Colombia dominates the supply of cocaine and marihuana to the United States. Colombia's dubious distinction as the principal drug source for these drugs may be attributed to its strategic location on the South American continent, its geographic makeup, and the ruthless tactics of an experienced, well ordered trafficking community.

Colombia has been most cooperative with the U.S. in enforcement activities. However, eradication efforts have not taken place on any large scale and without eradication efforts, major improvements cannot be made.

Should Colombia cease to be a source of cocaine and marihuana to the U.S., and Colombians cease to be involved in drug traffic to the U.S., such an accomplishment would have to be accorded the highest distinction in the annals of drug suppression accomplishments.

3. In the recent cocaine case involving John DeLorean, there were allegations that the Provisional IRA was involed with him in his alleged drug trafficking activities.

Without dealing directly with the DeLorean case, please provide the Subcommittee with any information the DEA has implicating the IRA or the PIRA in the illegal narcotics trade.

Also, please furnish any information on the Irish Northern Aid Committee and any involvement it may have with the illegal narcotics trade.

DEA has no information which suggests that the IRA, PIRA or the Irish Northern Aid Commitee are, as organizations, involved in the illegal narcotics trade.

4. Last year Mr. Mullen stated that "we are seeing more and more involvement on the part of terrorist groups in the drug trafficking all around the world: The Mideast, Europe and in the Caribbean." He stated further that, "there is a definite relationship between terrorist activity and drug trafficking."

On February 25, 1983, Mr. Mullen said this is still the case. What specific information do you have which would support the perception that illicit narcotics revenues are used to finance terrorist, subversive, or violent activities in the United States by domestic groups? Please name the groups, if any, and describe their activities.

The Subcommittee staff has been told by sources in Miami that alpha 66 and Omega 7, anti-Castro domestic groups, trade in drugs to finance their activities. Any evidence of this?

What of international terrorists, terrorist groups, or so-called "national liberation movements?" Any additional information in 1982 concerning them? Please name the groups, if any, and describe their activities.

Does the DEA have any information that U.S. political groups which advocate violent political change utilize illicit drug revenues to finance their activities? Please name the groups, if any, and describe their activities.

DEA has no evidence that illicit narcotic revenues are used to finance terrorist, subversive or violent activities in the United States by domestic groups. Nor does DEA have evidence that Alpha 66 or Omega 7 trade in drugs to finance their activities. DEA does not have information that U.S. political groups, which advocate violent political change, utilize illicit drug revenues to finance their activities.

DEA continues to receive information of terrorist groups outside the United States trafficking in drugs to finance their activities. The M-19 group in Colombia is closely associated with the drug traffic. Terrorist groups in the Mid-East have from time to time been associated with criminal drug trafficking organizations. We are not suggesting an ideological coalition between drug traffickers and terrorists. However, each will take advantage of the experience, equipment contacts, etc., of the other in order to pursue its own ends.

5. Given the fact of the link between terrorism and drug revenues used to finance terrorism, what is the DEA's definition of domestic terrorism? International terrorism?

What is the source of the DEA's definition(s) of terrorism?

As you are aware, DEA is interested in terrorism basically for two reasons: first, as it affects our personnel and second, as it relates to drug trafficking. DEA does not determine whether certain groups are terrorists. Rather, we depend on other Federal agencies with responsibility for terrorism to provide the necessary background information on these groups.

Although we do not have a DEA definition of terrorism, we have adopted the following definitions of terrorism and international terrorism which are used by the Central Intelligence Agency:

Terrorism

The threat or use of violence for political purposes by individuals or groups, whether acting for, or in opposition to, established governmental authority, when such actions are intended to shock, stun or intimidate a target group wider than immediate victims.

International Terrorism

Terrorism conducted with the support of a foreign government or organization and/or directed against foreign nationals, institutions, or governments.

6. In response to a question on foreign government involvement in drug trafficking, Mr. Mullen stated that the DEA finds most governments cooperative in the effort to curtail drug trfficking, even some communist bloc countries.

In the March 2, 1983, issue of the Guardian a newsprint magazine of the far-left, there appears an article by Wilfred Burchett, a well-known propagandist for various communist causes. Burchett reports that a 10-year cooperation effort on controlling international narcotics traffic was unilaterally ended by the U.S. without any real justification. This, he states, is the allegation of Theodor Tsvetkov, Chief of the Narcotics Section of Bulgarian Customs.

Please comment on the accuracy of this statement and provide an assessment of Bulgaria's alleged cooperation in controlling international drug traffic.

What is the level of cooperation against communist bloc countries to assist in the international effort against illicit drug trade?

What communist countries have cooperated, and in what ways, specifically, have they cooperated?

DEA has previously responded fully on these issues.

7. In the Janauary 3, 1983, issue of Newsweek, in an article entitled "The Plot to Kill Pope John Paul II," there is an extensive discussion of the Bulgarian/Turkish Drug Apparatus.

According to this article, Bekir Celenk, who allegedly set the $1.7 million price on John Paul's head, is alleged to be boss of a large drug-and-arms smuggling operation in Turkey. He is also believed to have close lines to Abuzu Ugurlu, the "godfather" of crime in Istanbul, who also happens to own a luxurious villa in Sofia.

What efforts has DEA made to interdict the flow of drugs from Turkey through Bulgaria and what observations would you make on the level of complicity of government officials from both of those countries in the illicit drug traffic?

Since the illicit arms traffic seems so closely connected with the drug traffic, what relationship does DEA have with BATF and the Departments of State and Justice in monitoring and, whenever possible, interdicting this illicit trade?

We have previously responded regarding our relationship with Bulgaria. With respect to our relationship with the Government of Turkey -- DEA has a very close working relationship, which has proven to be very effective. DEA highly respects the determination and skill of our Turkish counterparts. DEA has no information of complicity of Turkish government officials in the illicit drug traffic.

DEA passes to the BATF any information it receives relating to traffic in arms. BATF is represented at EPIC.

8. During the open session, Mr. Mullen mentioned and discussed, in general, the problem of corruption of public officials. Please give us a more detailed assessment of the problem.

In what cities or areas is the problem the most prevalent?

In what police jurisdictions?

How many such cases were prosecuted in 1982? Did these prosecutions occur in state or Federal courts?

List some examples of public corruption cases, giving the sums involved.

What steps is the DEA taking to address the public corruption problem? Describe the DEA's program.

DEA mentioned the problem of public corruption as one factor which must from time to time be dealt with in our drug enforcement effort and a problem of which we are cognizant. There is no city, area or police jurisdiction which we could assess where the problem is most prevalent. DEA keeps no records as to the number of prosecutions for corruption offenses, nor does DEA have a specific program to counter public corruption. As information is developed by DEA which indicates a corruption problem, that information is passed to the proper authorities, either state or Federal, for investigation.

9. Explain the role of U.S. banks in laundering drug money and receiving the revenues for deposit and investment. How is it accomplished?

It has been stated that fronts are also used to launder drug money. Explain how this is accomplished using an actual front as an example. Identify fronts that have been used in this way.

Use of Financial Institutions to Collect and Launder Drug Monies

Drug trafficking in the United States is a multi-billion dollar business. As in any major business, the use of financial institutions to continue and facilitate operations is a very real need. There are several ways in which the drug trafficker utilizes the services of U.S. financial institutions to collect, launder and invest his drug trafficking profits.

Collection

Banks in the United States will accept large sums of U.S. currency for deposit or conversion into negotiable instruments, i.e., money orders, cashiers checks, etc. However, sums exceeding $10,000 require the financial institution to report the transaction to the United States Treasury. There are two ways however that this requirement can be avoided. The drug trafficker can make several trips to one or more banks depositing or converting less than the $10,000 figure. The second way would be for the trafficker to have his name (or corporation name) included on the financial institutions exempt list. Basically the exempt list contains the names of businesses which do a lot of cash business such as retail stores. It is important to note that the bank accounts maintained by the drug trafficker are usually listed under fictitious personal and/or corporate names. This is done to aide in the laundering of these funds.

Laundering & Investment

Once the drug trafficker's monies are deposited in a U.S. financial institution, there are several avenues these monies can take:

1. They can be wire transferred to the drug trafficker's source of supply as payment for drugs. This could entail a transfer to another U.S. bank account; a transfer to a bank account in a tax haven country or a transfer to the source of supply's country.

2. These monies can be transferred to one or several accounts maintained in a tax haven country for transfer back to the United States in several different forms:

    - Loan
    - Investment into a legitimate business
    - Profit from foreign business or stock/real estate transaction
    - Purchase of your own property through use of a fictitious company.

3. These monies can be used to pay business expenses such as rental of stash locations; transportation vehicles, services rendered by offloaders, couriers, etc.

Use of "Fronts" to Launder Drug Monies

Front companies can be used by drug traffickers to launder their drug trafficking proceeds. A "front" company can be involved in some legitimate business to conceal their illicit activity or may conduct no legitimate business whatsoever.

Both of these type of front companies are utilized in the same manner by the drug trafficker to launder his drug proceeds.

In January of 1982, Rex Cauble was convicted on three RICO violations, violations of banking laws and violations of the interstate racketeering statutes. Forfeited in this case was $20,000,000 which represented Rex Cauble's interest in Cauble Enterprises, a limited partnership which consisted of numerous businesses including Thompson Seafood and the Cherokee and Cauble Ranches.

Investigation revealed that Cauble utilized the resources of Cauble Enterprises (which did have substantial legitimate business dealings) to finance and support the smuggling of approximately 256,360 pounds of marihuana.

rental of trucks to transport the marihuana; repayment of loans to finance the smuggling ventures and the purchase of vessels to transport the marihuana.

In addition to utilizing Thompson Seafood as a front, Cauble utilized bogus sales/auctions of horses at the Cherokee and Cauble Ranches to launder drug monies. Horses sold at these auctions were sold at prices far above their actual value and in some cases five times their value. By selling these horses at inflated prices, Cauble was able to legitimize receipt of large sums of money he had in fact received from his drug trafficking activities.

Some of the expenses incurred in support of the various marihuana smuggling ventures were paid through Thompson Seafood. Thomspon Seafood was established and operated by Cauble and his associates to be used as a front to conceal massive smuggling by boat from South America to the United States Gulf Coast.

These expenses included the rental of an offloading location in Texas; the construction of a building to stash the marihuana; rental of an apartment to use for planning and negotiations;

10. Identify the La Cosa Nostra families which are involved in illegal drug traffic and specify their relative involvement, i.e., which families are more involved than others. List them starting with the most involved to the least involved.

In the United States, DEA believes that there are between 25-30 complex criminal organizations associated with each other in what is known as the American Mafia, the Mob, the Syndicate, Traditional Organized Crime, or La Cosa Nostra. Some of these groups operate extensive, sophisticated, powerful drug trafficking networks and pose a serious problem to drug law enforcement for several reasons:

- Traditional Organized Crime organizations in Italy and Sicily are usually bound by blood as well as by philosophy. In the United States they frequently direct their activities in much the same manner.

- Because of the extremely secretive nature of these groups, law enforcement often finds it difficult to penetrate their drug trafficking operations.

- Traditional Organized Crime is also involved with a multitude of legitimate and illegitimate businesses, which are used to meet the needs of drug trafficking operations. In some instances, they can control the drugs from the time of entry, until they reach the street market. Other drug organizations must sometimes pay "tribute" to Traditional Organized Crime families which control the geographic areas and means of transportation the traffickers must use to conduct their activities. This not only provides Traditional Organized Crime with additional income, but also with an influence over an important portion of the drug trade in the United States.

During the last several years, law enforcement agencies have made significant strides towards the disruption of traditional Organized Crime's involvement in drug trafficking. For example, law enforcement officials in the United States, Italy, and other foreign countries joined forces to break up an intricate conspiracy which involved Italian organized crime groups in Italy that were smuggling heroin into the United States to their relatives and associates.

DEA does not maintain a list of Traditional Organized Crime families arranged by depth of involvement in drug trafficking. However, it is possible to describe some current drug-related activities of several of these families.

The New York City BONNANO and the Cherry Hill, N.J. GAMBINO families are currently suspected of controlling large scale drug-related and money-laundering activities involving traditional organized crime figures and associates worldwide. Law enforcement officials believe that the young, innovative members have crossed the traditional family "lines" to facilitate and increase their involvement in the drug trade. Members of these two families recently conducted meetings with members of other major organized crime families including the New York City GENOVESE, and GAMBINO groups to possibly negotiate and establish areas of jurisdiction for narcotics trafficking.

It is believed that certain families monopolize specific aspects of the drug trade. For instance, the Philadelphia BRUNO Family presently appears to be increasingly involved in the manufacture and distribution of dangerous drugs, in consort with motorcycle gangs operating in the mid-Atlantic states.

Canadian Traditional Organized Crime Families are suspected of influencing organized crime drug activities in Florida and Detroit and allegedly are aiding U.S. organized crime groups in developing sources of Southeast Asian heroin.

11. As you have stated, drug control is an international issue requiring an international effort.

What is the status of international cooperation?

What is the level of cooperation and assistance received from the Mexican Government?

Overall, DEA must categorize its relationships with the international enforcement community as excellent. DEA personnel stationed throughout the world in source and transit counries interact daily with their host country counterparts. Narcotic intelligence is freely exchanged and there is open discussion of our concerns. The recent visits by Attorney General William French Smith to many of the source and transiting countries re-emphasized at the highest levels the concern and priority the United States places on vigorously attacking illicit drug production and the organized trafficking groups.

The Government of Mexico continues its program of eradication of both opium and marihuana. DEA receives excellent cooperation from the Mexican authorities.

12. What have the State Department and the DEA done to increase foreign cooperative investigations?

Both the State Department, through the Bureau of International Narcotic Matters, and the Drug Enforcement Administration regularly meet with foreign government officials to increase the priority and resources of the foreign governments in drug suppression programs. The Bureau of International Narcotic Matters administers an assistance program providing funds for drug suppression programs in most of the major source and transshipment countries.

Attorney General William French Smith has recently visited many of the source and transit countries and emphasized the priority this Administration places on drug suppression activities and the need for continued cooperation and increased results.

DEA works daily with its counterpart agencies in approximately sixty foreign locations exchanging information on the illicit production and movement of drugs. In addition, DEA conducts training for foreign drug enforcement personnel and often hosts foreign enforcement agency executives who come to the U.S. to study the methodologies we employ in the drug enforcement effort.

13. DEA has proposed an increase in positions to reinforce agent strength in critical transshipment points on the Southwest Asian heroin trafficker routes. Where are the critical transshipment points for the cocaine and marihuana that enters the United States? Does the DEA feel that its coverage is adequate in these areas?

The critical production, processing and shipment countries for the cocaine and marihuana that enters the United States are Bolivia, Peru, Colombia, Mexico, and Jamaica. DEA has adequate representation in these countries.

14. Much has been said and written of the South Florida Task Force and Mr. Mullen referred to it in his statement.

What is the DEA's assessment of this effort? Please describe both the successes and failures of the South Florida Task Force.

Is it the answer to the drug problem in the U.S.? Has it impacted on drugs nationally, or only regionally?

The South Florida Task Force has been and continues to be successful. That effort was designed to impact on an area that was grievously affected by wholesale smuggling of marihuana and cocaine. The desired result of the Task Force is being achieved in several respects. The large-scale movement of marihuana by ship through the Caribbean passages to Florida and the Gulf states has been severely reduced. This has been especially evident over the past four months. We have indications that drug supplies are mounting in source countries due to the traffickers' reduced ability to readily move their supplies. Whenever traffickers must alter their routine and enter into new and unfamiliar arrangements, there exists a greater opportunity for mistakes.

The South Florida Task Force was designed to impact on a region of our country that was the hub of marihuana and cocaine smuggling. In as much as the great majority of the drugs seized by the Task Force were destined for distribution in other areas of the country, the results of the Task Force have had an effect beyond the southeast area. There were and continues to be other trafficking routes not in the South Florida area, even for marihuana and cocaine. The Task Force was not designed to impact on these or on the heroin importation problem as South Florida is not a major smuggling center for that drug. There is no one answer to the national drug problem. Among the answers must be true international commitment to eradicate in source countries, effective prevention and rehabilitation programs, and adequate laws to provide sure punishment for offenders.

15. How will DEA staff and manage the 12 regional task force operations which the President has recently announced?

How will these task force operations differ from the DEA field office operations located in the same area and what mechanisms will prevent competition from occurring?

How will task force investigative targets be selected?

How many DEA agents have been and will be assigned to these task forces?

Have replacement agents been recruited to backfill the positions transferred to the task forces?

DEA has received an allotment of 270 Special Agent positions for the Task Forces. Recruitment and training programs are well underway to backfill these positions.

Attached are the "Guidelines for the Drug Enforcement Task Forces" which fully address the goals, oversight, structure and procedures of the program.

U.S. DEPARTMENT OF JUSTICE

GUIDELINES FOR THE DRUG ENFORCEMENT TASK FORCES

INTRODUCTION

These guidelines are intended to assist United States Attorneys, Special Agents-in-Charge and other local criminal investigation chiefs for Task Force agencies (hereinafter SACs), and other investigative and prosecutorial personnel in establishing and operating the Drug Enforcement Task Forces announced by President Ronald Reagan on October 14, 1982.

The standards and procedures are sufficiently broad and flexible to allow individual Task Forces to be tailored to meet the special needs of their areas. At the same time, however, they provide sufficient structure and uniformity to ensure that all the Task Forces serve the fundamental purposes of the Task Force program, and to enable the utilization of Task Force resources to be measured and assessed. These guidelines apply to anyone working on a Task Force case, regardless of whether he or she has been officially designated as a Task Force attorney or agent.

GOALS, POLICIES AND STANDARDS OF THE TASK FORCE PROGRAM

Goals and Objectives

The Drug Task Force program's overall goal is to identify, investigate, and prosecute members of high-level drug trafficking enterprises, and to destroy the operations of those organizations. The program is designed to achieve this goal by two means:

- Adding new federal resources for the investigation and prosecution of major drug trafficking organizations.
- Fostering improved interagency coordination and cooperation in the investigation and prosecution of major drug cases.

Achieving these two aims should result in more and better cases against high level drug traffickers, which, in turn, should have an appreciable impact on illegal drug trafficking.

Each Task Force will have its own organizational identity. It will have a separate central office and an administrative staff. There will be attorneys and agents officially designated as Task Force attorneys and Task Force agents.

Among the specific objectives of each Task Force will be:

1. To target, investigate, and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprises, including large scale money laundering organizations;
2. To promote a coordinated drug enforcement effort in each Task Force area, and to encourage maximum cooperation among all drug enforcement agencies;
3. To work fully and effectively with state and local drug enforcement agencies; and
4. To make full use of financial investigative techniques, including tax law enforcement and forfeiture actions, in order to identify and convict high level traffickers and to enable the government to seize assets and profits derived from high-level drug trafficking.

Meeting these objectives will result in the seizure of large quantities of illegal drugs and trafficker assets, and the disruption of large scale drug trafficking organizations.

General Policies

The following general policies will apply to all Task Forces:

- Task Force resources are resources to be added to current drug enforcement efforts.

Therefore, existing drug enforcement resource commitments in effect at the initiation of the Task Force program must be maintained.

  - Each Task Force position that is filled by an agent or attorney who is assigned to drug cases at the time the Task Force assignment is made must be backfilled with an agent or attorney also assigned to drug cases, except that agents occupying positions funded for non-drug enforcement functions who are diverted to drug enforcement at the time of assignment to a Task Force position, may be backfilled by agents assigned to the function of the funded position.
  - There will be no reduction in the current efforts of the Organized Crime Strike Forces against drug trafficking by organized criminal groups.

- The Drug Task Forces will not operate as separate law enforcement agencies. Rather, they will coordinate the investigative and prosecutorial efforts of agents and attorneys handling Task Force drug cases while remaining under the command of their own offices.

- Each United States Attorney and SAC will consult with state and local drug law enforcement personnel through the district Law Enforcement Coordinating Committee and the District Coordination Group member from state and local law enforcement. They will work with state and local personnel as fully as possible on operational activities and intelligence sharing. This will result in the best overall drug enforcement effort in each district. Periodic reports will be required on the role of state and local law enforcement in the Task Force program.

- The core-city United States Attorney shall be accountable for the overall performance of the Task Force, in accordance with provisions of these guidelines.

- The Task Force monitoring system will follow the violators in a Task Force case through the entire criminal process, from investigtion to release from prison.

- The initial allocation and subsequent permanent reallocations of Task Force positions among and within Task Forces will be made by the Attorney General, based upon recommendations from the Task Forces, each agency's headquarters, and the Working Group.

- The United States Attorneys will determine which Assistant United States Attorneys from their respective offices or newly-hired prosecutors for their districts will be designated as Task Force attorneys. Task Force attorneys shall be prosecutors who are experienced in handling complex federal drug, financial or related cases.

- The local SACs will determine which agents from their respective offices will be designatd as Task Force agents. Task Force agents wiil be selected from agents who are experienced in investigating complex drug trafficking cases or cases of a similar nature, such as large money laundering operations or matters involving illegal activities of major ongoing criminal groups.

- Task Force attorneys and Task Force agents will remain under the line authority of their own United States Attorneys or SACs. However, they may work out of common space according to the needs of individual cases (see section on Housing of Task Force Personnel).
- Personnel designated as full-time Task Force personnel may work only on cases that have been approved as Task Force cases, recognizing that extradordinary circumstances may require temporary diversion of these resources, and with the exceptions provided in the section on Task Force Size and Composition.
- Non-Task Force personnel may work on Task Force cases, at the discretion of the responsible United States Attorney or SAC. Each agency will be responsible for accounting for the time that is contributed to the Task Force program.
- Each core city will establish a separate Task Force office (see section on Housing of Task Force Personnel).
- Task Forces cases may be accepted by the United States Attorney in a district after reaching agreement with the district SACs, followed by concurrence from the core city Task Force Coordinator, after consultation with the Agency Task Force Coordinators.
- It is not necessary that every Task Force prosecution include specific drug charges, but every Task Force prosecution must be drug-related. That is, the specific charges may be tax, RICO, currency, or other non-drug violations, as long as the targets have been identified as major drug violators and otherwise meet the Task Force standards.
- In every case in which there is a plea agreement, a plea must be made to at least the most serious charge in the indictment unless the United States Attorney in whose district the case is pending personally approves a plea to a lesser charge.
- Each Task Force will compile and maintain a current list of targeted major drug violators.
- All press releases concerning Task Force cases should be cleared through the United States Attorney prosecuting the case, and should otherwise conform to the existing Attorney General's Guidelines.

Standards for Task Force Cases

In each district the Task Force investigators and prosecutors will be assigned significant investigations of major drug trafficking organizations that warrant the involvement of more than one investigative agency. Also assigned to the Task Forces, as resources allow, will be investigations of major drug trafficking organizations that demand significant attorney resources during the investigative stage. Examples of such cases would be matters involving electronic surveillance, extensive use of the grand jury, the presence of substantial property or cash that is likely to be subject to forfeiture, the likelihood of income tax violations, and the corruption of public officials.

Major drug trafficking organizations include any of the following types of groups, where a sizable number of individuals is involved in the trafficking or there are large actual or potential profits gained from the trafficking:

- Traditional organized crime figures, to the extent that such matters are not being worked already by Strike Force personnel, and, in any case, in coordination with the Strike Force office with responsibility for the district;
- Major outlaw motorcycle gangs (e.g., Hells Angels, Pagans, Outlaws or Bandidos);
- Other organized criminal groups (major street gangs, prison gangs, and similar groups);
- An organization that is importing and/or distributing large amounts of controlled substances, or is financing the foregoing; or
- Physicians or pharmacists illegally dispensing substantial quantities of prescription drugs.

The preceding are general standards for the types of cases that may be accepted as Task Force cases. Each core-city United States Attorney, in consultation with his or her Advisory Committee, may establish more specific criteria (such as minimum quantities of a given substance) to be applied within a Task Force area.

NATIONAL OVERSIGHT OF TASK FORCE PROGRAM

The Cabinet-level Committee on Organized Crime, which is chaired by the Attorney General, provides top-level review of the national policies, interagency coordination, and intergovernmental cooperative efforts of the Task Force program. It is responsible for handling exceptional, national-scale problems that have not been resolved at any other level.

The Working Group, which is chaired by the Associate Attorney General, is composed of ranking officials from Justice and Treasury agencies, including, but not limited to, the Task Force investigative agencies: the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Customs Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco and Firearms. Its role is to articulate policy and to coordinate the development and maintenance of the Task Force program. The Working Group also is responsible for discussing non-legal disputes that cannot be resolved within or among Task Forces.

The Drug Task Force Program Administrator serves as Executive Director of the Working Group and, through the Task Force Administrative Unit, provides administrative support for the Working Group. In addition, the Administrator supervises the Task Force Administrative Unit and is responsible for promulgating and periodically reviewing guidelines for the structure and operation of the Task Forces, for establishing a national case reporting system, and for implementing procedures by which the Working Group will monitor and report on the performance of the Task Forces.

Administrative Structure: Washington

Task Force Administrative Unit. The Washington, D. C., administrative functions of the Task Forces will be handled by the Task Force Administrative Unit. Under the supervision of the Task Force Administrator, the Unit will include a staff attorney, an analyst, and a secretary. It also will have individuals designated as liaisons from all Task Force agencies and Departmental units with activities pertaining to Task Force cases. The unit will be attached to the Associate Attorney General's Office and administered through the Consolidated Administrative Office. It will have the following responsibilities:

1. Scheduling and staffing meetings of the Working Group;
2. Reviewing the legal and administrative services provided to the Task Forces by the Criminal Division, Executive Office for United States Attorneys, Justice Management Division, Tax Division, investigative agencies, etc.;
3. Receiving a weekly caseload report, by district

and by Task Force, from the Executive Office for United States Attorneys;

4. Producing periodic informational memoranda to keep the Working Group and Task Force personnel apprised of events occurring throughout the program;

5. Producing semi-annual reports for the Attorney General and United States Attorneys, annual reports for the President and Congress, and other analyses as directed by the Working Group; and

6. Developing a system, in consultation with the Bureau of Justice Statistics, for tracking non-criminal and post-sentence processing of violators, using available data systems (such as that of the Bureau of Prisons).

The Task Force administrative functions will be conducted to the greatest extent possible through existing Departmental systems. This includes conducting data collection through the Docket and Reporting and PROMIS systems, conducting training through the Attorney General's Advocacy Institute and the Quantico and Glynco Training Centers, providing legal advice through the various sections of the Criminal Division and other equivalent units, etc.

To facilitate overall coordination of the program, all Task Force agencies will provide the Task Force Administrative Unit with a copy of all written communications between Washington and field offices concerning Task Force activities, except for communications concerning individual cases only or individual agents, attorneys, or support personnel.

Case Reporting and Tracking System

A committee has been formed to quickly assess and report on the information that should be collected on Task Force cases and how that information need can best be met. The information to be collected includes the data necessary for Task Force management by the United States Attorneys and the Working Group, and for overall evaluation of Task Force performance, which will be used in reports to the Attorney General, the President, the Congress, and the public.

The committee consists of the Assistant Attorneys General for the Criminal and Justice Management Divisions, a core-city United

States Attorney, the Director of the Executive Office for United States Attorneys, the Task Force Administrator, and a representative of each of the Task Force investigative agencies.

Forfeitures

A subcommittee of the Forum for Cooperative Strategy has been considering how the Department of Justice can better meet its forfeiture responsibilities. The subcommittee is reviewing a survey of the forfeiture situation recently conducted by the Justice Management Division, the Criminal Division, and the Executive Office for United States Attorneys. Among the issues under consideration are organization and procedures for the maintenance and disposal of forfeited property, litigative support for criminal and civil forfeiture actions, forfeiture training, a review of forfeiture regulations and statutes, and coordination of forfeiture activities among Departmental units. It is expected that an options paper will be presented promptly to the Attorney General. Once policy decisions on forfeitures have been made for the Department as a whole, the Task Force Working Group will provide directions to the Task Forces.

The members of the committee are from the Executive Office for United States Attorneys, the Criminal Division, the Civil Division, the Justice Management Division, the United States Marshal's Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Immigration and Naturalization Service. In addition, other law enforcement units are being consulted as necessary.

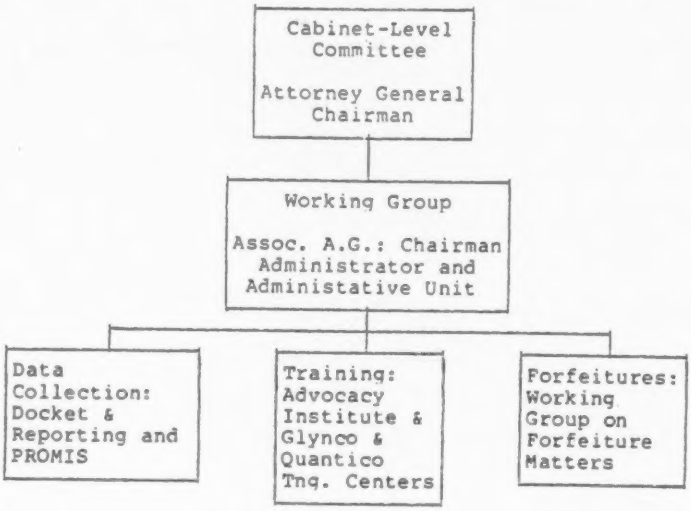
Training

The Administrator of the Task Force program will work with Departmental units and Task Force investigative agencies to ensure that needed seminars, conferences, and other training is provided in the following areas:

1. Task Force orientation and administrative procedures for managers of Task Force offices;
2. In-service training for Task Force attorneys and agents in such areas as financial investigations, forfeiture actions, and specialized drug investigative techniques;

3. Specialized training for new attorneys in narcotics prosecutions, CCE and RICO statutes, forfeiture actions, financial investigations, and related areas; and
4. Pre- and in-service training for Task Force administrative staff.

Existing training programs conducted by the Attorney General's Advocacy Institute, the Federal Law Enforcement Training Center in Glynco, Georgia, the Federal Bureau of Investigation Academy at Quantico, and other appropriate training facilities will be utilized. Any additional, specialized Task Force training will be developed as necessary by the Advocacy Institute for attorney training and by existing investigative training facilities for agent training.


Cabinet-Level Committee
Attorney General Chairman
Working Group
Assoc. A.G.: Chairman
Administrator and Administative Unit
Data Collection: Docket & Reporting and PROMIS
Training: Advocacy Institute & Glynco & Quantico Tng. Centers
Forfeitures: Working Group on Forfeiture Matters

National Task Force Administration

Administrative Structure: Field

Core-city

Each Task Force will be coordinated by a core-city United States Attorney, who will be accountable to the Associate Attorney General on matters pertaining to the conduct of the Task Force. His or her initial responsibilities will include:

1. Establishing a Task Force Advisory Committee composed of the core-city United States Attorney, as chairman; the other United States Attorneys in

the area; the Assistant United States Attorney Task Force Coordinator; the Agency Task Force Coordinators; the Task Force agency SACs in the area; and the Strike Force Chiefs in the area; and

2. Establishing a Task Force Coordination Group composed of the Assistant United States Attorney Task Force Coordinator and the Agency Task Force Coordinators. The United States Marshals Service, the United States Coast Guard where present in the Task Force area, and other appropriate agencies shall have a liaison official with the Task Force Coordination Group.

The core-city United States Attorney will not have direct line authority over attorneys outside of his or her own district. They will be hired by and report to their respective United States Attorneys.

Investigative agency personnel will be hired by and report to their respective agencies. Core-city investigative agency heads will be responsible for the coordination of the investigative effort of their respective agency personnel in multi-district Task Force cases.

In consultation with the Advisory Committee, the core-city United States Attorney will have the following responsibilities:

1. Making temporary assignments of core-city Task Force attorneys to non-core city districts within the region;
2. Coordinating with the United States Attorneys involved in the temporary reassignment of non-core city Task Force attorneys to other districts;
3. Recommending to the Attorney General, through the Working Group, permanent reassignment of Task Force attorney positions from one district to another;
4. Developing guidance, consistent with these guidelines, for the selection of Task Force attorneys and Task Force agents to be followed by United States Attorneys and SACs in the Task Force area;
5. Compiling and maintaining a current list of the major drug violators and trafficking organizations to be targeted by the Task Force;
6. Developing plans and strategy for the aggressive investigation and prosecution of the targeted violators and organizations;
7. Reviewing all decisions by the Assistant United States Attorney Task Force Coordinator, following consultation with the Agency Task Force Coordinators, to turn down non-core city cases as Task Force cases;

8. Reviewing all Task Force cases on a periodic basis to ensure that proper standards are being maintained and that a high level of interagency coordination exists;

9. Discussing inter-Task Force disputes with other core-city United States Attorneys;

10. Developing any Task Force policies and standards more detailed than, but consistent with, those enunciated in these guidelines. The Working Group must be informed of all such policies;

11. Overseeing the administrative functions of the Assistant United States Attorney Task Force Coordinator, including ensuring compliance with all Task Force standards and case monitoring requirements, and ensuring that all Task Force resources are being devoted to Task Force cases; and

12. Establishing and maintaining cooperative working relations with state and local law enforcement agencies, working with the Law Enforcement Coordinating Committees, and otherwise ensuring that a high level of intergovernmental cooperation is maintained in drug enforcement.

The Assistant United States Attorney Task Force Coordinator should be a senior Assistant United States Attorney selected by the core-city United States Attorney and approved by the Associate Attorney General, who will work full-time on the Task Force and report directly to the core-city United States Attorney. The Assistant United States Attorney Task Force Coordinator's responsibilities will include:

1. The establishment of the Task Force office; and

2. The administrative operations of the Task Force office.

The Task Force Coordination group will:

1. Evaluate the cases forwarded to the Task Force office by individual United States Attorneys for concurrence as Task Force cases. In addition, it will regularly review the use of all Task Force resources throughout the area to ensure that Task Force resources are being devoted to Task Force cases as required by these guidelines, and that all cases that should be Task Force cases are being presented for Task Force consideration. The Group also will resolve any problems of cooperation among personnel from different Task Force agencies, and will monitor changes in the pattern of drug trafficking in the area;

2. Meet on a regular basis with state and local law enforcement officials from all geographic areas covered by the Task Force. The Group will ensure that federal, state, and local law enforcement officials are sharing information and developing joint operational activities on Task Force matters to the fullest practical extent;

3. Designate agent and attorney specialists within the Task Force, including:

   - Forfeiture specialists, who will be one or more Task Force agents and/or attorneys that seek civil and criminal forfeiture opportunities, file complaints and follow through to collection, and provide advice and assistance on forfeiture matters to other Task Force agents and/or attorneys;

   - Financial Investigations specialists, who will be one or more Task Force agents and/or attorneys well-versed in financial investigative and prosecutive techniques;

   - Tax specialists, who will be one or more Task Force agents and/or attorneys that provide tax expertise and expedite the review process in tax cases; and

   - A Task Force attorney designated as a drug diversion specialist to oversee diversion cases.

Agency Task Force Coordinators

Each Task Force investigative agency will assign a supervisory level agent on a full-time basis to the core-city Task Force office to work with the Assistant United States Attorney Task Force Coordinator on the operation of the entire Task Force. The Agency Task Force Coordinator will confer with the Assistant United States Attorney Task Force Coordinator on the evaluation of all proposed Task Force cases; will regularly review the assignment of agents and other resources from his or her agency to Task Force cases in all districts within the Task Force; will work with the agency SACs in the Task Force districts to ensure the full and effective participation of the investigators from his or her agency in multi-agency cases; will monitor, with the other Agency Task Force Coordinators, the patterns of drug trafficking in the district; and will ensure that all necessary agency Task Force reports are prepared.

The Agency Task Force Coordinator also will be the agency's representative on the core-city District Drug Enforcement Coordination Group.

Individual Districts

Non-core City United States Attorneys

Once attorney and support allocations are made for a non-core city United States Attorney, he or she will: (1) select the

Assistant United States Attorneys who will be Task Force attorneys, (2) designate a Lead Task Force Attorney, in consultation with the core-city United States Attorney, and (3) hire attorneys to back-fill for those selected as Task Force attorneys. In back-filling, it must be kept in mind that the Task Force resources are additional drug enforcement resources, and that the pre-Task Force levels of drug enforcement in the office must be maintained.

The Lead Task Force Attorney in each district will be the United States Attorney or a senior Task Force Assistant United States Attorney with the following responsibilities:

1. Present all cases from the district to the Task Force office for concurrence as Task Force cases. Having the Lead Task Force Attorney present all cases from the district to the Task Force office will ensure that all necessary information is gathered before a presentation is made, thereby reducing the need for multiple contacts. It also will provide each district with an individual well versed in the procedures and expectations of the core-city Task Force office;
2. Assign Assistant United States Attorneys to Task Force cases, consistent with section on Task Force Size and Composition, infra, and supervise their performance;
3. Maintain a record of the status of all Task Force cases in the district;
4. Ensure that all required opening, progress, and closing written case reports on Task Force cases in the district are prepared and submitted to the Task Force office and the Department, as required;
5. Serve on the District Drug Enforcement Coordination Group; and
6. Serve as liaison with the Task Force office on any problems that arise with the Task Force.

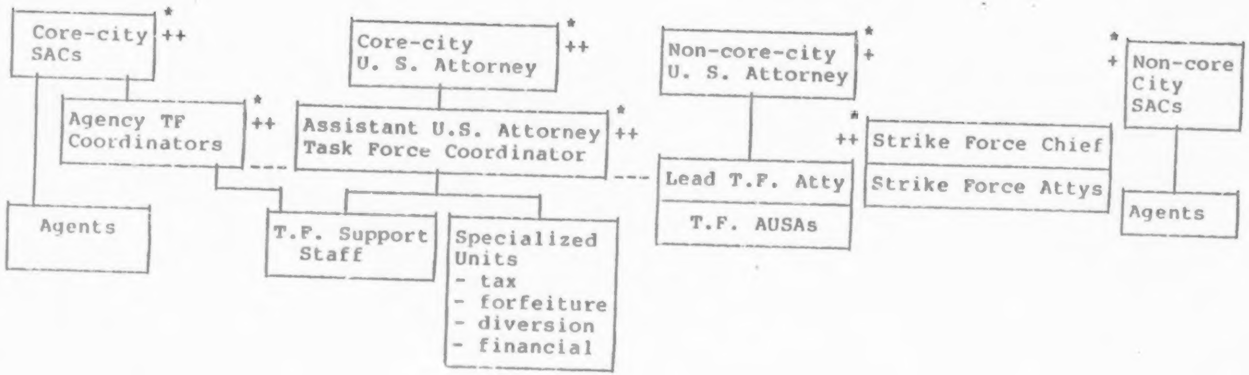
Investigative Agency SACs. The investigative agency SAC or senior supervisor for each district will be responsible for bringing potential Task Force cases to the attention of the District Drug Enforcement Coordination Group; for assigning agents to Task Force cases, consistent with the section on Task Force Size and Composition, infra; for supervising the performance of the agents on Task Force cases; and for serving on the District Drug Enforcement Coordination Group.

District Drug Enforcement Coordination Group

Each district, regardless of the level of Task Force resources allocated, will establish a District Drug Enforcement Coordination Group, consisting of the United States Attorney, the Lead Task Force Attorney, the Task Force investigative agency SACs or senior supervisors for the district, and at least one representative of state or local law enforcement. The United States Attorney will determine how the Coordination Group relates to the Law Enforcement Coordinating Committee. In districts with a Strike Force office, the Strike Force Chief or Lead Strike Force Attorney also will be a member of this group. The Coordination Group will have the following functions:

1. To review all cases prior to designation as Task Force cases;
2. To review the assignment of agencies, agents, and attorneys to Task Force cases;
3. To monitor the progress of Task Force cases, and to coordinate between Task Force cases and among Task Force and non-Task Force cases;
4. To coordinate relations among federal, state, and local law enforcement on Task Force cases, and to ensure that there is proper and effective information sharing and operational cooperation in drug enforcement in the district; and
5. To review intelligence information in order to monitor drug trafficking patterns and to identify major organized drug trafficking and other organized criminal enterprises in the district. Organizations and activities so identified will be assigned for investigation by either Task Force or non-Task Force resources, as appropriate. Major criminal enterprises that are so identified, but for which investigative and/or prosecutorial resources are not available in the district should be brought to the attention of the Task Force office in the core-city.

The Coordination Group will meet regularly, and the United States Attorney will provide the necessary administrative support.



* = Member of Advisory Committee
+ = Member of District Drug Enforcement Coordination Group
++ = Member of Core-city District Drug Enforcement Coordination Group

Task Force Administration

Size and Composition of Each Task Force

The initial allocation of Task Force attorneys, agents, and support personnel will be made by the Attorney General, following submission of recommendations from the Task Forces and the members of the Working Group. Task Force personnel will be allocated to work only on cases approved by the Associate Attorney General as Task Force cases. The allocation decision will be made based on current caseloads of United States Attorney and investigative agency offices, projected future needs, analyses of the nature and extent of illicit drug operations in the different areas, and other relevant data. The actual allocations may not represent equal distributions among the various Task Force regions. To the extent that the foregoing provisions effect non-Department of Justice agencies, the Attorney General will make allocations only after consultation with the Cabinet officer with responsibility for such agencies.

It should be noted that attorney and agent resources officially designated as Task Force resources ordinarily will be measured in full-time permanent positions, not in work years contributed by an agency to Task Force work. This is necessary in order to ensure accountability of Task Force resources and to facilitate the monitoring of Task Force performance. However, a small portion of positions allocated to an agency, not to exceed 25 percent, may be filled on the basis of man-years, rather than full-time assignments. This will allow, for example, the temporary utilization of non-Task Force prosecutors with special abilities or the local investigation of leads in places without Task Force investigators.

In back-filling both agent and attorney positions, the number of pre-Task Force funded man-years devoted to drug enforcement must be maintained. Thus, after the Task Force positions have been back-filled, the number of drug enforcement positions must equal at least the number of funded positions allocated to drug enforcement before the formulation of the Task Force, plus the number of Task Force positions allocated.

To ensure that the Attorney General and the Working Group are fully informed about each Task Force's needs, each core-city United States Attorney, in consultation with the Advisory Committee, will submit on an annual basis:

1. A narrative assessment of the overall drug problem in the Task Force area, with emphasis on the most prevalent illegal drugs and most significant drug organizations;
2. A list of the ten most significant drug violators convicted in the area over the past year, with brief explanations of the significance of each case;
3. A description of the current distribution of drug enforcement resources, by district; and
4. A projection of future drug enforcement resource needs, by district.

Any supplemental or differing views or comments by individual United States Attorneys or SACs will be included. These data, along with proposals from the investigative agencies' headquarters and other available information, will be considered by the Attorney General in deciding on resource allocations among and within the Task Forces and among the different agencies.

Reallocation of Resources

The allocation of attorney and agent resources among the Task Forces and districts will be reviewed annually by the Attorney General, considering recommendations of the Working Group. Data from the Task Force case monitoring system will provide significant information that will be used to establish the need to maintain or shift resources among and within Task Forces.

Housing of Task Force Personnel

Core-city Office. A separate Task Force office will be established in existing federal space in each core-city to provide adequate space for the following:

1. The Assistant United States Attorney Task Force Coordinator and Agency Task Force Coordinators. They will be assigned full-time to the Task Force office. They will be expected to devote their time to monitoring their agency's activities throughout the Task Force area; working with the other coordinators in Task Force case selection and coordination; and coordinating their agency's role in core-city district Task Force cases; and

2. The Task Force administrative support personnel assigned to the core-city. These individuals will work full-time out of the Task Force office.

Task Force Attorneys and Agents. Task Force agents and attorneys will be housed out of their own agencies. When working on a multi-agency case that the District Drug Enforcement Coordination Group determines can be investigated best by agents sharing space on a full-time or part-time basis, arrangements for designation of such space in existing agency offices or, if adequate space is not available, acquisition of secure space for this purpose will be made through the Group. When agents and/or attorneys will work out of such common space, evidence will be maintained there, unless the nature of the evidence requires otherwise.

Relations With Organized Crime Strike Forces

In keeping with the policy of supplementing the current level of drug enforcement activity by each federal law enforcement component, as set forth in these guidelines, each organized crime Strike Force shall maintain, at a minimum, its current drug enforcement role, including its pre-task force level of manpower dedication (currently estimated at 15% of the Strike Forces' inventory nationwide). Each Strike Force will continue to dedicate its drug enforcement efforts to those same organized crime syndicates upon which it concentrated prior to the advent of the Task Force program.

The current practice in each district with respect to the referral of drug cases to the Strike Force by the United States Attorney or the investigative agency also shall continue. In order to ensure a coordinated attack on drug trafficking throughout the United States, the Strike Force chief shall, as soon as a Task Force becomes operational in his area, brief the Assistant United States Attorney Task Force Coordinator or Lead Task Force Attorney concerning all drug related matters in the Strike Force's active inventory. Thereafter, it shall be the continuing responsibility of the Strike Force chief to provide a copy of the case initiation report on each new drug related Strike Force investigation to the Assistant United States Task Force Coordinator or Lead Task Force Attorney in the district. The Strike Force Chief or senior Strike Force Attorney in a field office also will be a member of the District Drug Enforcement Coordination Group for the district in which his office is located.

In the event that a United States Attorney determines that it is necessary for a Strike Force to increase the level of its resource commitment against drug trafficking within his district, the Task Force Advisory Committee shall follow its normal resource allocation procedures in deciding whether to provide Task Force attorney positions to the Strike Force on a permanent or temporary basis, so that the Strike Force can meet these added responsibilities without a diminution of its efforts against other organized crime activities.

In addition, the Strike Force offices will coordinate with the Task Forces on any Task Force investigations of traditional organized crime figures within the Strike Force's geograpical, area of responsibility.

Relations With Existing Drug Prosecution Units

The use of Task Force resources will be coordinated with the use of non-Task Force drug enforcement resources through the District Drug Enforcement Coordination Group. In addition, each United States Attorney's office and investigative agency should establish internal procedure to coordinate intra-office drug enforcement activities. Since there will be substantial significant drug enforcement work being conducted apart from the Task Forces, it is important that Task Force and non-Task Force elements maintain a coordinated and harmonious relationship.

Task Force Procedures

Case Selection and Acceptance

Agency SACs in each district will present potential Task Force cases to the United States Attorney for the district as soon as it is apparent that a matter may be appropriate as a Task Force case. All such matters should be discussed at the time with the District Drug Enforcement Coordination Group. If the United States Attorney agrees with the proposed Task Force designation, the Lead Task Force Attorney will contact the core-city Assistant United States Attorney Task Force Coordinator for concurrence, after review by the Task Force Coordination Group. If the United States Attorney disagrees with the SAC, the SAC may bring the matter to the attention of the core-city Agency Task Force Coordinator for the SAC's agency, who should discuss the matter with the Task Force Coordination Group. If the matter is not resolved, the SAC may refer the matter to Washington for consideration by the Working Group. If an Assistant United States Attorney Task Force Coordinator, after consultation with the Agency Task Force Coordinators, declines to designate a proposed case as a Task Force case, the decision must be reviewed by the core-city United States Attorney. The review must include a discussion of the case with the non-core city United States Attorney involved.

If a United States Attorney becomes aware of a case that should have been considered for the Task Force, but was unilaterally retained by a single investigative agency, this should be brought to the attention of the Task Force Advisory Committee for review and the development of any necessary policies and procedures to prevent recurrence. Because the focus of the Task Force program is on the investigation and prosecution of major drug trafficking enterprises, which ordinarily benefit from multi-agency investigations, it is important that potential Task Force cases be identified as early as possible, in order that the maximum advantage of a Task Force investigation can be obtained.

Upon concurrence by the Assistant United States Attorney Task Force Coordinator, after consultation with the Agency Task Force Coordinators, on the designation of a particular matter as a Task Force case, the following actions will be taken:

1. A determination will be made whether additional investigative agencies should work on the case. If so, the assignment of agents by the agencies will be made;

2. A determination on attorney assignment will be made by the United States Attorney; and
3. A determination will be made whether the investigation should be made jointly with state or local law enforcement personnel. If so, necessary arrangements for the joint investigation will be made.

Dispute Resolution

The thrust of the Task Force program is to encourage more cooperation at the field-office level by marshaling the efforts of agency personnel within local districts and making the core-city United States Attorney responsible for the coordination of the Task Force. The program is not designed to be administered centrally from Washington. Dispute resolution in all except a small number of cases, therefore, should be handled by managers in the field. In those few exceptional cases, appeals may be made through normal reporting channels to the Department in Washington.

To facilitate dispute resolution in the field, the Task Force Advisory Committee and District Drug Enforcement Coordination Group have been established. It should be possible to resolve in one of those two forums problems that arise among individual agents and attorneys. In addition, those groups can establish policies that clarify application of these guidelines at the district level, thereby preventing disputes before they begin.

Reservation

These Guidelines are set forth solely for the purpose of internal guidance for Task Force agencies and their personnel. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, nor do they place any limitations on otherwise lawful investigative and litigative prerogatives of the Task Force agencies.

The Working Group recommends that the Attorney General adopt the foregoing Task Force Guidelines.

Respectfully submitted,

John M. Walker, Jr.

D. Lowell Jensen

Kevin D. Rooney
Kevin D. Rooney

January 19, 1983 .
Date

Rudolph W. Giuliani

William H. Webster
William H. Webster

Francis M. Mullen, Jr.
Francis M. Mullen, Jr.

William P. Tyson

I hereby order the adoption of these Guidelines for the Drug Enforcement Task Forces.

1/20/83
Date

William French Smith
Attorney General

16. Are new DEA agent hires required to meet the same eligibility requirements as FBI agents?

For purposes of this discussion, eligibility will be understood to equate to qualification.

Unlike the FBI, DEA is, for the most part, in the competitive service and thereby bound to the qualification standards prescribed by the Office of Personnel Management (OPM). These primarily concern factors such as experience and education. For example, DEA cannot establish a college degree as a prerequisite for appointment to a Special Agent position whereas the FBI, setting its own standards, can do so without fear of challenge.

Similarly, the experience requirements prescribed in OPM's Handbook, X-118, mandates one, two and three years of specialized experience for appointment to positions graded GS-7, GS-9 and GS-11 respectively. The FBI on the other hand can appoint candidates to positions at their GS-10 entry grade solely on the basis of education.

Otherwise, the hiring differences are primarily procedural, not impacting directly upon the quality or quantity of available candidates.

17. Given that many experienced DEA agents will be transferred to the task forces and that new agent-hires will fill the positions in the DEA, what impact will this drain of talent have on DEA operations.

Given the large number of new DEA Special Agents that will be assimilated in a year's period, we do expect some effect on DEA's operations. However, we believe this effect will be greatly minimized due to the talented individuals we have been able to attract in our recruitment program. Many have previous law enforcement experience and special skills in language, accounting, and aviation. These new agents will be intermingled with agents of long experience and we expect their productivity to materialize in a short period.

18. Explain the differences between the federal task forces, such as the South Florida Task Force, and the state and local task forces. What is the DEA's and the FBI's role in the respective task forces? Who is in charge of each task force?

The Federal task forces combine the resources of Federal agencies whereas the DEA/state and local task forces are composed of resources from DEA and various state and local enforcement agencies. The FBI does not participate in the state and local task force program. Each of the state and local task forces is supervised by a DEA Special Agent.

19. In Mr. Mullen's opening remarks, he mentioned the need for improvements in the Freedom of Information Act.

Please give the Subcommittee the DEA's current recommendations as to those specific amendments to the Freedom of Information Act which would enhance the DEA's ability to do its job.

Would a total exemption for the DEA activities be appropriate or useful?

If a moratorium is being recommended, instead of a total exemption, what period of time would be realistic given the nature of the DEA cases and investigations? Isn't 8 years too short a time?

How would you characterize the impact of the FOIA on DEA assets?

How many such assets have been threatened as a result of the FOIA?

What impact is there on recruitment of new assets?

Please tell the Subcommittee of specific examples of DEA cases or investigations which have been lost or severely impaired as a result of the requirements under the Freedom of Information Act.

DEA supports the enactment of S.774, which contains several provisions which would greatly reduce the adverse impact of the current FOI provisions. The specific provisions of S.774 (bill is attached) that DEA strongly supports are Sections 10, 13 and 14.

Attached is a 1982 report prepared by DEA which details the effects of the Freedom of Information Act on DEA investigations.*

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*The report referred to is on file with the subcommittee.

II

98TH CONGRESS
1ST SESSION

S. 774

Entitled "The Freedom of Information Reform Act".

IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 7), 1983

Mr. HATCH (for himself, Mr. THURMOND, and Mr. DECONCINI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

Entitled "The Freedom of Information Reform Act".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FEES AND WAIVERS

SEC. 2. Paragraph (4)(A) of section 552(a) of title 5, United States Code, is amended to read as follows:

"(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedules shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies. Such regulations—

"(a) shall provide for the payment of all costs reasonably and directly attributable to responding to the request, which shall include reasonable standard charges for the costs of services by agency personnel in search, duplication, and other processing of the request. The term 'processing' does not include services of agency personnel in resolving issues of law and policy of general applicability which may be raised by a request, but does include services involved in examining records for possible withholding or deletions to carry out determinations of law or policy. Such regulations may also provide for standardized charges for categories of requests having similar processing costs,

"(b) shall provide that no fee is to be charged by any agency with respect to any request or series of related requests whenever the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee, and

"(c) in the case of any request or series of related requests for records containing commercially valuable technological information which was generated or procured by the Government at substantial cost to the public, is likely to be used for a commercial purpose, and will deprive the Government of its commercial value, may provide for the charging of a fair value fee or royalties, or both, in addition to or in lieu of any processing fees otherwise chargeable, taking into account such factors as the estimated commercial value of the technological information, its costs to the Government, and any public interest in encouraging its utilization.

Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

"(ii) With respect to search and duplication charges, documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public and not the commercial or other private interests of the requester. With respect to all other charges, documents shall be furnished without such charges where the agency determines that the information is not requested for a commercial use and the request is being made by or on behalf of (a) an individual, or educational, or noncommercial scientific institution, whose purpose is scholarly or scientific research; (b) a representative of the news media; or (c) a nonprofit group that intends to make the information available to the general public.

"(iii) One-half of the fees collected under this section shall be retained by the collecting agency to offset the costs of complying with this section. The remaining fees collected under this section shall be remitted to the Treasury's general fund as miscellaneous receipts.".

TIME LIMITS

SEC. 3. Paragraph (6) of section 552(a) of title 5, United States Code, is amended to read as follows:

"(6)(A) Except as otherwise provided in this paragraph, each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

"(i) determine within ten working days after the receipt of any such request whether to comply with such request and shall immediately notify the requester of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

"(ii) make a determination with respect to any appeal within twenty working days after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the requester of the provisions for judicial review of that determination under paragraph (4) of this subsection.

"(B) In unusual circumstances as defined in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in extensions of more than an aggregate of thirty working days. As used in this subparagraph, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular request—

"(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

"(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

"(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein;

"(iv) a request which the head of the agency has specifically stated in writing cannot be processed within the time limits stated in paragraph (6)(A) without significantly obstructing or impairing the timely performance of a statutory agency function;

"(v) the need for notification of submitters of information and for consideration of any objections to disclosure made by such submitters; or

"(vi) an unusually large volume of requests or appeals at an agency, creating a substantial backlog.

"(C) Any requester shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. An agency shall not be considered to have violated the otherwise applicable time limits until a court rules on the issue.

"(D) Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to the requester, subject to the provisions of paragraph (7). Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

"(E) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, by which a requester who demonstrates a compelling need for expedited access to records shall be given expedited access.".

BUSINESS CONFIDENTIALITY PROCEDURES

SEC. 4. Section 552(a) of title 5, United States Code, is amended by adding after paragraph (6) the following new paragraph:

"(7)(A) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying procedures by which—

"(i) a submitter may be required to designate, at the time it submits or provides to the agency or thereafter, any information consisting of trade secrets, or commercial, research, financial, or business information which is exempt from disclosure under subsection (b)(4);

"(ii) the agency shall notify the submitter that a request has been made for information provided by the submitter, within ten working days after the receipt of such request, and shall describe the nature and scope of the request and advise the submitter of his right to submit written objections in response to the request;

"(iii) the submitter may, within ten working days of the forwarding of such notification, submit to the agency written objection to such disclosure, specifying all grounds upon which it is contended that the information should not be disclosed; and

"(iv) the agency shall notify the submitter of any final decision regarding the release of such information.

"(B) An agency is not required to notify a submitter pursuant to subparagraph (A) if—

"(i) the information requested is not designated by the submitter as exempt from disclosure in accordance with agency regulations promulgated pursuant to subparagraph (A)(i), if such designation is required by the agency;

"(ii) the agency determines, prior to giving such notice, that the request should be denied;

"(iii) the disclosure is required by law (other than this section) and the agency notified the submitter of the disclosure requirement prior to the submission of the information;

"(iv) the information lawfully has been published or otherwise made available to the public; or "(v) the agency is a criminal law enforcement agency that acquired the information in the course of a lawful investigation of possible violations of criminal law.

"(C) Whenever an agency notifies a submitter of the receipt of a request pursuant to subparagraph (A), the agency shall notify the requester that the request is subject to the provisions of this paragraph and that notice of the request is being given to a submitter. Whenever an agency notifies a submitter of final decision pursuant to subparagraph (A), the agency shall at the same time notify the requester of such final decision.

"(D) Whenever a submitter has filed objections to disclosure of information pursuant to subparagraph (A)(iii), the agency shall not disclose any such information for ten working days after notice of the final decision to release the requested information has been forwarded to the submitter.

"(E) The agency's disposition of the request and the submitter's objections shall be subject to judicial review pursuant to paragraph (4) of this subsection. If a requester files a complaint under this section, the administrative remedies of a submitter of information contained in the requested records shall be deemed to have been exhausted.

"(F) Nothing in this paragraph shall be construed to be in derogation of any other rights established by law protecting the confidentiality of private information.".

JUDICIAL REVIEW

SEC. 5. Section 552(a)(4) of title 5, United States Code, is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) On complaint filed by a requester within one hundred and eighty days from the date of final agency action or by a submitter after a final decision to disclose submitted information but prior to its release, the district court of the United States in the district in which the complainant resides, or has his principal place of business. or in which the agency records are situated, or in the District of Columbia, has jurisdiction—

"(i) to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the requester;

"(ii) to enjoin the agency from any disclosure of records which was objected to by a submitter under paragraph (7)(A)(iii) or which would have been objected to had notice been given as required by paragraph (7)(A)(i); or "(iii) to enjoin the agency from failing to perform its duties under sections (a) (1) and (2).".

(2) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (F), (G), (H), (I), and (J), respectively, and by adding after subparagraph (B) the following new subparagraphs:

"(C) In an action based on a complaint—

"(i) by a requester, the court shall have jurisdiction over any submitter of information contained in the requested records, and any such submitter may intervene as of right in the action; and

"(ii) by a submitter, the court shall have jurisdiction over any requester of records containing information which the submitter seeks to have withheld, and any such requester may intervene as of right in the action.

"(D) The agency that is the subject of the complaint shall promptly, upon service of a complaint—

"(i) seeking the production of records, notify each submitter of information contained in the requested records that the complaint was filed; and

"(ii) seeking the withholding of records, notify each requester of the records that the complaint was filed.

"(E) In any case to enjoin the withholding or the disclosure of records, or the failure to comply with subsection (a) (1) or (2), the court shall determine the matter de novo. The court may examine the contents of requested agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section. The burden is on the agency to sustain its action to withhold information and the burden is on any submitter seeking the withholding of information."; and

(3) in redesignated subparagraph (H)—

(A) by adding "or any submitter who is a party to the litigation" after "United States"; and

(B) by striking out "complainant" and inserting in lieu thereof "requester".

PUBLIC RECORD REQUESTS

SEC. 6. Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(8) In any instance in which a portion of the records requested under this subsection consists of newspaper clippings, magazine articles, or any other item which is a public record or otherwise available in public records, the agency may offer the requester a choice of (A) furnishing the requester with an index identifying such clippings, articles, or other items by date and source, provided that such index is already in existence, or (B) notwithstanding the waiver requirements contained in this section, furnishing the requester with copies of such clippings, articles, or other items at the reasonable standard charge for duplication established in the agency's fee schedule.".

CLARIFY EXEMPTIONS

SEC. 7. So much of section 552(b) of title 5, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(b) The compulsory disclosure requirements of this section do not apply to matters that are—".

MANUALS AND EXAMINATION MATERIALS

SEC. 8. Section 552(b)(2) of title 5, United States Code, is amended by inserting a comma in lieu of the semicolon at the end thereof and adding the following: "including such materials as (A) manuals and instructions to investigators, inspectors, auditors, or negotiators, to the extent that disclosure of such manuals and instructions could reasonably be expected to jeopardize investigations, inspections, audits, or negotiations, and (B) examination material used solely to determine individual qualifications for employment, promotion, or licensing to the extent that disclosure could reasonably be expected to compromise the objectivity or fairness of the examination process;".

PERSONAL PRIVACY

SEC. 9. Section 552(b)(6) of title 5, United States Code, is amended to read as follows:

"(6) records or information concerning individuals, including compilations or lists of names and addresses that could be used for solicitation purposes, the release of which could reasonably be expected to constitute a clearly unwarranted invasion of personal privacy;".

LAW ENFORCEMENT

SEC. 10. (a) Section 552(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) would constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any natural person;".

(b) Section 552(a) of title 5, United States Code, is amended by adding after paragraph (8) thereof the following new paragraph:

"(9) Nothing in this section shall be deemed applicable in any way to the informant records maintained by a law enforcement agency under an informant's name or personal identifier, whenever access to such records is sought by a third party according to the informant's name or personal identifier.".

ADDITIONAL EXEMPTIONS

SEC. 11. Section 552(b) of title 5, United States Code, is amended by striking out "or" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon, and by adding the following new paragraphs after paragraph (9):

"(10) technical data that may not be exported lawfully outside the United States without an approval, authorization, or a license under Federal export laws, except that this section shall apply to such data if regulations promulgated under such laws authorize the export of such data without restriction to any person and any destination; or

"(11) records or information maintained or originated by the Secret Service in connection with its protective functions to the extent that the production of such records or information could reasonably be expected to adversely affect the Service's ability to perform its protective functions.".

REASONABLY SEGREGABLE

SEC. 12. Section 552(b) of title 5, United States Code, is amended by adding after the last sentence thereof the following: "In determining which portions are reasonably segregable in the case of records containing material covered by paragraphs (1) or (7) of this subsection, the agency may consider whether the disclosure of particular information would, in the context of other information available to the requester, cause the harm specified in such paragraph.".

PROPER REQUESTS

SEC. 13. Section 552(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request by a requester who is a United States person for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to the requester.

"(B) The time limits prescribed in subparagraph (A) of paragraph 6 shall be tolled whenever the requester (or any person on whose behalf the request is made) is a party to any ongoing judicial proceeding or administrative adjudication in which the Government is also a party and may be requested to produce the records sought. Nothing in this subparagraph shall be construed to bar (i) a request for any records which are not related to the subject matter of such pending proceeding, or (ii) a request for any records which have been denied to a party in the course of a judicial proceeding or administrative adjudication that is no longer pending.

"(C) The Attorney General, in accordance with public rulemaking procedures set forth in section 553 of this title, may by regulation prescribe such limitations or conditions on the extent to which and on the circumstances or manner in which records requested under this paragraph or under section 552a of this title shall be made available to requesters who are persons imprisoned under sentence for a felony under Federal or State law or who are reasonably believed to be requesting records on behalf of such persons, as he finds to be (i) appropriate in the interests of law enforcement, or foreign relations or national defense, or of the efficient administration of this section, and (ii) not in derogation of the public information purposes of this section.".

ORGANIZED CRIME

SEC. 14. Section 552 of title 5, United States Code, is amended by adding a new subsection (c) as follows and redesignating the current subsections (c), (d), and (e) as (d), (e), and (f) respectively.

> "(c) Nothing in this section shall be deemed applicable to documents compiled in any lawful investigation of organized crime, designated by the Attorney General for the purposes of this subsection and conducted by a criminal law enforcement authority for law enforcement purposes, if the requested document was first generated or acquired by such law enforcement authority within five years of the date of the request, except where the agency determines pursuant to regulations promulgated by the Attorney General that there is an overriding public interest in earlier disclosure or in longer exclusion not to exceed three years. Notwithstanding any other provision of law, no document de-

scribed in the preceding sentence may be destroyed or otherwise disposed of until the document is available for disclosure in accordance with subsections (a) and (b) of this section for a period of not less than ten years.".

REPORTING UNIFORMITY

SEC. 15. Section 552(e) of title 5, United States Code (as redesignated), is amended—

(1) by striking out "calendar" the second and fourth places it appears and inserting in lieu thereof "fiscal";

(2) by striking out "March" each place it appears and inserting in lieu thereof "December";

(3) in paragraph (4), by striking out "subsection (a)(4)(F)" and inserting in lieu thereof "subsection (a)(4)(I)"; and

(4) in the next to last sentence, by striking out "subsections (a)(4) (E), (F), and (G)" and inserting in lieu thereof "subsections (a)(4) (H), (I), and (J).".

TECHNICAL DATA PROCEDURES

SEC. 16. Title 5 of United States Code is amended by adding after section 559 a new section 560 as follows:

"SEC. 560. Each Federal agency maintaining technical data exempt under subsection (b)(10) of section 552 of this title shall promulgate regulations establishing registration (including certification) procedures and criteria under which qualified United States individuals and business concerns may obtain copies of such Government-owned technical data for purposes of bidding on Government contracts. No data obtained under such procedures may be redisseminated or exported except as provided by law.".

DEFINITIONS

SEC. 17. Section 552(f) of title 5, United States Code (as redesignated), is amended to read as follows:

"(f) For purposes of this section—

"(1) 'agency' means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

"(2) 'submitter' means any person who has submitted to an agency (other than an intelligence agency), or provided an agency access to, trade secrets, or commercial, research, or financial information (other than personal financial information) in which the person has a commercial or proprietary interest;

"(3) 'requester' means any person who makes or causes to be made, or on whose behalf is made, a proper request for disclosure of records under subsection (a);

"(4) 'United States person' means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(20)), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association that is a foreign power, as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a));

"(5) 'working days' means every day excluding Saturdays, Sundays, and Federal legal holidays; and

"(6) 'organized crime' means those structured and disciplined associations of individuals or of groups of individuals who are associated for the purpose of obtaining monetary or commercial gains or profits, wholly or in part by illegal means, while generally seeking to protect and promote their activities through a pattern of graft or corruption, and whose associations generally exhibit the following characteristics:

"(A) their illegal activities are conspiratorial, "(B) in at least part of their activities, they commit acts of violence or other acts which are likely to intimidate,

"(C) they conduct their activities in a methodical or systematic and in a secret fashion,

"(D) they insulate their leadership from direct involvement in illegal activities by their organizational structure,

"(E) they attempt to gain influence in government, politics, and commerce through corruption, graft, and illegitimate means, and

"(F) they engage in patently illegal enterprises such as dealing in drugs, gambling, loansharking, labor racketeering, or the investment of illegally obtained funds in legitimate businesses.".

20. Various issues of the Tribune Review, a Pittsburgh newspaper, beginning on March 24, 1982, through September 15, 1982, detail the operations of an alleged Alabama-Pittsburgh drug smuggling ring. Sixteen individual members of the ring were convicted in Montgomery, Alabama, of drug smuggling offenses.

What can you tell the Subcommittee about the so-called Alabama-Pittsburgh connection?

A drug trafficking organization centered in Pittsburgh, Pennsylvania, was seeking to bring approximately 15,000 lbs. of marihuana from Colombia to the United States via a DC-6. While the distribution was to be made from the Pittsburgh area, the organization was seeking a more remote area where the plane could land and be off-loaded. An airstrip in Bullock County, Alabama was selected.

Advance information on the plans had been received by law enforcement authorities and an investigation by the Alabama Bureau of Investigation (ABI), the FBI, DEA and U.S. Customs ensued. A surveillance was established by participating agencies and on March 22, 1982, at approximately 10:00 p.m., nine subjects were arrested unloading a DC-4 containing approximately 16,000-17,000 lbs. of marihuana. Five vehicles were seized and nine subjects were arrested without incident. Nine additional subjects were arrested and four additional vehicles seized at other locations on the same evening.

21. Please provide the Subcommittee with a report on the level of illegal drug activity in Alabama since last year's hearing and on the DEA's interdictment efforts there.

Trafficking

Unlike its neighboring states of Tennessee and Georgia, Alabama has not become a major new entry location for either seaborne or airborne drug shipments from South America or the Caribbean. This may be because of the state's distance from traditional narcotics entry points in southern Florida. There has been some use of clandestine airstrips by drug-laden aircraft in Alabama, but, again, not on the scale noted in Georgia or Tennessee. Use of gulf ports or other landing points for drug shipments has been minimal.

The state of Alabama is involved with domestic marihuana cultivation; however, in relation to many other states, the problem is less serious. The majority of the domestic marihuana grown in Alabama is for local consumption. DEA is monitoring the domestic marihuana problem in Alabama, which is a participating state in DEA's domestic identification and eradication program.

In 1982 Alabama ranked as a moderate state, arresting 21 individuals for illicitly cultivating marihuana and destroying 118 plots containing 34,905 plants. This compares to a high of 515,660 plants seized in Hawaii and a low of 100 seized in Delaware.

The 10 major marihuana producing countries are:

Cleburne County
Tuscaloosa County
Lowndes County
Lauderdale County
Calhoun County
Fayette County
Dallas County
Baldwin County
De Kalb County
Winston County

Drug Use

While heroin availability remained relatively low during 1982, such heroin substitutes as T's and Blues (pentazocine) and Dilaudid are widely distributed by street dealers in Birmingham and Mobile. Over 75% of all narcotic drug arrests in Birmingham are represented by these heroin substitutes. Prices have increased from $9-10 per set to approximately $10-12 a set for T's and Blues. Prices for other dangerous drugs remain unchanged at $30 for 4 mg. Dilaudid tablets and $10 for 60 mg. Demerol tablets.

Methaqualone and Barbiturates

Methaqualone and barbiturate counterfeits are widely available at $3-5 per tablet on the street. In addition to smuggled supplies, there appears to be locally manufactured sources of methaqualone (Rorer 714) counterfeits.

Barbiturate availability is unusually high on the entire Gulf Coast including Mobile, as compared to the situation nationally. In particular, amobarbital retails for $3 per capsule, significantly cheaper than the national average of $4-5 per capsule. The sources of these drugs appear to consist of unethical pharmacies and "script doctors."

Cocaine

Local law enforcement in both Birmingham and Mobile note a significant increase in the number of cocaine "street" dealers. Purities vary widely, at approximately 30-40% at the ounce level, with purities at the gram level of 12-15%. As is the case in Louisiana, cocaine definitely appears to be a drug of growing popularity in Alabama.

DEA Efforts

DEA continues to watch the traffic in Alabama and along the entire Gulf Coast to determine what impact, if any, will be felt as a result of the South Florida Task Force, currently underway. To date, there has been no reported significant change in activity in Alabama.

22. Do you anticipate any further changes in the DEA/FBI relationship in the upcoming year? If so, please specify what they will be.

We do not expect any further changes, in an organizational sense, in the DEA/FBI relationship in the upcoming year. We certainly expect that the cooperative efforts in drug investigations will continue to increase and be more effective.

23. The DEA's authorization request for 1984 mentions a domestic program in each of the fifty states.

Is this a new approach or a continuation of an ongoing program? Please explain this domestic program.

It is stated that the DEA is continuing and enhancing the state and local training programs. Please explain.

This is an ongoing program and refers to the fact that DEA maintains a physical presence in each of the fifty states. In states where the drug traffic is mostly of local significance, DEA maintains only a minimal presence for the purpose of enforcement assistance, training, and information exchange.

Changing strategies, such as the increased emphasis on the financial aspects of drug enforcement, require an intensified effort through an increase in specialized training programs so that new techniques can continue to be conveyed to state and local officers to provide more effective means of controlling the drug abuse problem. Other specialized and advanced courses include conspiracy, clandestine laboratory, and criminal compliance investigations.

24. Is domestically grown marihuana on the rise? Please assess the threat it poses.

What percent of the total marihuana supply is grown domestically?

What efforts has the DEA undertaken or planned to deal with increasing domestic marihuana production?

25. Please describe the extent and types of assistance DEA provides to state and local police agencies to identify, locate, and eradicate domestic marihuana growing sites.

Is this type of assistance growing?

Attached is the April 19, 1983 statement of John C. Lawn, Acting Deputy Administrator, which fully responds to these questions. Also attached is the final report of the "1982 Domestic Marihuana Eradication/Suppression Program".*

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*The report referred to is on file with the subcommittee.

Statement of

John C. Lawn
Acting Deputy Administrator

Drug Enforcement Administration
U.S. Department of Justice

on

Cultivation and Eradication of Cannabis in the United States

Committee on Government Operations
Subcommittee on Government Information, Justice and Agriculture
United States House of Representatives

Glenn English, Chairman
April 19, 1983

Chairman English, Members of the Subcommittee, I am pleased to appear before you to discuss the Drug Enforcement Administration's (DEA) efforts with other Federal, state and local authorities to counter the illicit cultivation of cannabis in the United States.

Nature and Extent of the Problem

The rapidly escalating problem of illicit cannabis cultivation poses a new challenge to narcotics law enforcement in the United States. The seriousness of this problem can be judged in terms of the quality and the quantity of marihuana produced domestically. From the standpoint of quality, the production of sinsemilla has increased substantially in the United States. Through the process that produces sinsemilla, a single plant can yield approximately one pound of product that has on the average a higher THC (Delta-9-Tetrahydrocannabinol) content than standard marihuana. The quality of the marihuana produced is significant from a commercial merchandising standpoint and in terms of its potential health hazards; i.e., the higher the THC content, the more serious the health consequences associated with its use.

In terms of quantity, the estimated size of the cannabis crop grown in the U.S. has considerably increased in recent years. The estimated amount of marihuana produced from the domestic crop for 1981 as reported by the National Narcotics Intelligence Consumers Committee (NNICC) was 1200 metric tons. Although this estimate was based on the best information available at the time, it was considered conservative. A primary goal of the 1982 Domestic Eradication/Suppression Program was to develop an intelligence data base concerning domestic cannabis cultivation. The data collected indicate that our previous estimates may have been considerably lower than the actual amounts under cultivation.

It should be noted, however, that these estimates and the methods used to calculate the amount of marketable marihuana produced remain imprecise. Major efforts are underway to develop accurate estimates. Samples of plants from sites throughout the country will be submitted for analysis to the contractor for the National Institute on Drug Abuse. Dr. Carlton E. Turner, a renowned expert in this field who presently serves as the Special Assistant to the President and Director of the Drug Abuse Policy Office, has recently initiated an inter-agency effort to establish standards for estimates in this area. In addition, major refinements are being made in survey questions and other information collection activities under the 1983 Domestic Eradication/Suppression Program. Despite possible variations in total weight estimates, we recognize that there is a substantially greater amount of marihuana being produced in the United States than ever before.

Obstacles to Law Enforcement

Our experience with domestic marihuana production has increased significantly in the last two years, however, our knowledge of the trafficking patterns of domestic marihuana is very limited. We share this problem with our state and local counterparts. Part of this dilemma, however, may be accounted for by the fact that there is an extremely broad cross-section of Americans engaged in cannabis cultivation. No generalities can be applied here. Growers range from counterculture holdouts to former moonshiners; from out-of-work lumberjacks to legitimate farmers and to the marihuana user who wants to try to grow his own. Other than certain outlaw motorcycle gangs, we have seen no single group, such as organized crime elements, emerging in control of a significant part of the market at this time.

We must note that cannabis cultivation in some areas has allegedly spurred locally depressed economies. Marihuana production requires tools, herbicides, fertilizers, irrigation equipment and other financial outlays which benefit local merchants. Profits are often spent on residence, vehicle and luxury purchases within the community. In a number of areas, illicit marihuana production is perceived as a boon to local businesses and has resulted in passive community resistance to law enforcement efforts. This activity, in fact, has a corrupting influence on all of those it touches, even if they are not directly involved in the actual cultivation.

Recent weather extremes and natural disasters in many states have drained the resources of such elements as the National Guard which would be otherwise capable of contributing to the cannabis eradication program. This situation is particularly true in Hawaii where National Guard troops, which have previously played a significant role in the support of law enforcement, have been dedicated to rescue and restoration efforts in the wake of the disastrous volcanic activity in that State.

The prosection of individual cannabis growers is also a new challenge for many prosecutors. Given terrain and security measures that often make pre-raid surveillance impossible, it is difficult to establish an association between growers and specific cannabis plots. Ground access to mountain top or other remote sites is often limited to one road. Under such conditions, one lookout or cooperative resident some miles from the growing site can warn the growers of intruders by CB radio. DEA, in cooperation with several U.S. Attorneys, is currently developing seminars for prosecutors to educate them in techniques to offset these problems.

Another problem is prosecutors are often reluctant to indict and judges and juries are likewise hesitant to convict and adequately sentence growers. Further, local budget restrictions which have resulted in layoffs of deputies have prevented some sheriffs from applying the manpower to the program which they would otherwise be able to.

Finding a site and the means to safely destroy thousands of pounds of wet, bulky cannabis plants is a challenge for any law enforcement officer. The DEA Office of Science and Technology is currently attempting to find solutions to these problems.

For U.S. Forest Service and Bureau of Land Management (BLM) employees, personal and resource safety have become a major concern as growers retaliate for the destruction of their cannabis crops. U.S. Forest Service and BLM officials know of many occasions where their employees have been threatened and their personal and agency equipment damaged or destroyed by angry growers. Forest officials have told us they suspect that many forest fires have been set by individuals seeking to retaliate for enforcement action.

DEA's Marihuana Suppression/Eradication Program

Prior to 1981, DEA's cooperative eradication programs were limited to Hawaii and California. This was expanded during 1981 to include Oregon, Florida, Missouri and Kentucky. Since that time, the program has expanded rapidly to include 25 states in 1982 and 40 in 1983. While some states are more significant than others with regard to the amount of marihuana production discovered thus far, all of the participant states are experiencing some illicit growth for financial profit.

DEA's strategy has been to provide a varying level of support, depending upon the perceived volume of cultivation, but in every case sufficent to support an aggressive search program in each state. DEA's role in this cooperative venture has been to encourage state and local efforts and to contribute training, equipment, funding, investigative and aircraft resources to support their efforts. The planning process for the current suppression/eradication program has been highly coordinated at the Federal level by all related agencies. Regular strategy and policy guidance sessions are conducted by the White House Drug Abuse Policy Office and frequent contact is maintained with the U.S. Forest Service and the Bureau of Land Management.

Our headquarters program coordinators have held meetings with DEA field division Special Agents in Charge (SAC) and their division Program Coordinators. Those planning sessions are being repeated by the DEA division coordinators with their respective state and local counterparts. Together they are developing an operational plan for each participating state. The plans will be the basis for the allocation of resources by DEA and other Federal agencies.

In 1983 the number of DEA-sponsored training schools will increase from 4 to 17. These schools are designed to train state and local law enforcement officers in aerial observation techniques, the legal requirements to obtain search warrants in their state, methods to conduct raids to destroy the cannabis crop, and procedures to arrest and prosecute those individuals identified with the cultivation. Participants will include not only state and local officers, but agents of the U.S. Forest Service and Bureau of Land Management who will play an active role. We are also planning to sponsor a number of seminars for state and Federal prosecutors to enhance their awareness of the cultivation problem and to address legal questions regarding warrants, asset seizures, appellate review, defense tactics and the cross certification of state/Federal prosecutors.

In 1983, DEA will commit 11 aircraft to complement state and local air surveillance efforts. The importance of aircraft in the eradication/suppression effort cannot be overstated; of the 481 missions flown by DEA in support of the program in 1982, 82 percent resulted in positive sightings of cannabis plots. In addition to their critical role in locating plots, aircraft are required to move enforcement personnel into the often remote growing areas and to remove the plants once eradication takes place.

Our Office of Science and Technology, in cooperation with the U. S. Department of Agriculture, is developing methods to assist states prepare for the use of herbicides which will occur where deemed appropriate during the 1983 season. Those plans are being developed in keeping with the 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking and in close coordination with appropriate Federal agencies.

DEA will also work with the states and other Federal agencies to enhance public awareness of the cultivation problem. As a part of this initiative, we have produced a film depicting the Federal and state effort in 1982, which will be widely distributed in order to make state executive, legislative, law enforcement personnel and the general public more aware of the domestic marihuana production problem and of the steps being taken to counter it. In producing the film, we were very fortunate to have had Mr. Ricardo Montalban provide his very impressive talent as a narrator. This was a voluntary public service contribution by Mr. Montalban which certainly deserves recognition.

As I have pointed out several times throughout this testimony, the marihuana program depends on the efforts of many agencies. In addition to the U.S. Forest Service and Bureau of Land Management activities described earlier, the Department of Defense Liaison Office is advising state National Guard commanders of the logistical assistance they can provide to law enforcement elements. In addition, agents of the Bureau of Alcohol, Tobacco and Firearms (ATF) have participated in raid teams throughout the country, and have been instrumental in reducing the threat of injury to raid teams by identifying and neutralizing dangerous concealed traps, some of which are potentially deadly. ATF has also conducted followup investigations on certain of the 785 weapons seized in the 1982 raids.

In the ongoing planning sessions across the country, we are asking the FBI to use their extensive informant system to aid in meeting the need for increased intelligence regarding domestic marihuana distribution.

The involvement of multi-state intelligence networks in the program has been at the discretion of the states; however, the Western States Intelligence Network (WISIN) will play a major role in the cooperative operation currently being planned for California.

I mentioned that there are a number of variables in this program. First, the type and level of state and local resources available for eradication vary from state to state. Secondly there has been a gradual increase in the number of state agencies, such as State Forest Services, Offices of Emergency Services, etc., which have begun to make equipment and expertise available to the state enforcement elements. In addition, the states are attempting to identify and use alternate labor sources to cut down cannabis plants. The process of manual eradication is highly labor intensive. As noted, the plot sites are often remote, and in states such as California, Oregon and Washington, are in steep rugged terrain. Law enforcement officers must secure the area, arrest the growers, check for concealed traps, perform a plant count, take photographs and process samples in response to search warrants and evidentiary requirements.

Only then can they begin the task of cutting the cannabis plants which can reach 12-15 feet in height and, in some circumstances, grow in groves as thick as bamboo thatches. The plants must be bundled and tied and then carried some distance to the nearest trail or road to be loaded on trucks. Irrigation hoses, which often run for considerable distances and have been buried to avoid detection, must be dug up and other equipment, vehicles and weapons must be removed from the site. The seized cannabis plants must then be trucked to a suitable site for burning. This represents an extensive use of law enforcement manpower.

In an attempt to offset this problem, some states are looking to possible alternate labor sources. Law enforcement personnel would still control the raid teams and conduct all of the appropriate legal tasks; however, once the site is secure, non-law enforcement personnel could conduct the actual cutting, bundling and hauling under law enforcement supervision at a greatly reduced cost. There are obviously a number of problems related to the use of non-law enforcement personnel, but we are encouraging the states to consider alternate labor as a means to reduce costs and spare law enforcement personnel for more critical tasks.

In 1982, DEA committed $923,340 from its operating funds to support the eradication/suppression effort which included expenditures for 25 states to defray their costs for fuel, tools, vehicle and aircraft rental and per diem for off-duty officers. Funds were also expended in conducting the four observer schools and for costs incurred by our own Air Wing. This year (FY 83), DEA has set aside $1.9 million from its operating budget to support the program. We have programmed a like amount as a line budget item for FY 1984.

Future funding costs for DEA will be offset by the better coordinated efforts with the Forest Service and Bureau of Land Management.. DEA coordinates funding to county sheriffs who have U.S. forests within their jurisdiction with the U.S. Forest Service to ensure there is no duplication. Often, the Forest Service will fund the program in one county, while DEA supports an adjacent county that has no U.S. forest within its limits. In some areas, the Forest Service and Bureau of Land Mangement are able to provide forest camp housing and feeding facilities for raid team personnel.

Conclusion

In closing, I would like to note that there are a number of factors on our side as we face the challenge of domestic marihuana production. On October 2, 1982, President Reagan told the Nation: "The mood towards drugs is changing in this country and the momentum is with us. We're making no excuses for drugs, hard, soft, or otherwise. Drugs are bad and we're going after them." Across the country, law enforcement officers, parents and other citizens share the President's concern and are doing something about the problem. Marihuana is a dangerous drug and we are addressing marihuana with the same intensity as we address other dangerous drugs.

The Congress has demonstrated its concern by passing significant legislation. During the 97th Congress, Public Law 97-113 was enacted to remove restrictions to providing foreign assistance funds to countries for use in herbicidal eradication programs aimed at cannabis cultivation. Public Law 97-86 was also enacted which permits the assistance of the military to civilian law enforcement authorities. This has proven to be of particular importance in our efforts to attack the large-scale smuggling of marihuana to the United States. The 98th Congress presently has before it several bills to strengthen law enforcement, particularly the Comprehensive Crime Control Act of 1983 (S-829 and HR-2151) which contains marked improvements to our bail, sentencing and forfeiture statutes among others. We encourage this continued Congressional support.

If we are to make serious inroads in the marihuana production problem in the United States, there are challenges that all of us in government must face. Members of Congress and other government leaders should lend their voices and help make the public more aware of the threat that illegal cultivation of cannabis represents to both the health of the nation and the rights of the citizens to move freely and safely through the parklands and national forests of this country. The military should be encouraged to incorporate marihuana production detection as a regular part of their ongoing air training activities and state governors should be encouraged to consider using the National Guard and other state agencies for the detection and suppression of marihuana production. In addition, the states should be encouraged to support the use of herbicides when appropriate in order to effectively and efficiently eradicate large cannabis plots and to reduce the prohibitive labor costs of manual eradication programs. This would have the added benefit of sending a signal of encouragement to foreign governments faced with even greater marihuana production problems than our own.

I am optimistic that, with your support, significant progress has been made and will continue to be made in our effort to suppress the illicit production of marihuana in the United States. Thank you for this opportunity to discuss our activities and for your assistance and support.

26. Please update the Subcommittee on how the availability of paraquat for eradication programs has assisted the DEA in 1982.

The removal of restrictions relating to U.S. State Department funding assistance to countries willing to use herbicides in a marihuana eradication program has as yet not borne fruit. It does provide the U.S. with a stronger position with which to urge major marihuana source countries to begin effective marihuana eradication programs.

27. Does the FBI input information into EPIC on cases it has under investigation, and input and extract data on an equal basis with other Federal and State participants in EPIC?

Specific procedures have been prepared to initiate input of information developed in FBI drug investigation into the Narcotic and Dangerous Drug Information System (NADDIS). NADDIS is the major DEA information system available for search at EPIC. These procedures are currently under study.

The FBI has access to the data bases at EPIC on an equal basis with other participants.

28. In his prepared statement, Mr. Mullen mentioned a RAND study and another study on the relationship between drug abuse and crime. Provide the Subcommittee with these studies and any others that the DEA has demonstrating this relationship.

The Rand study is enclosed *

29. Mr. Mullen has mentioned that the purchase of 600 radios, which is included in the DEA's FY 1984 request, is critical for the DEA. Will the purchase of this new radio equipment provide voice privacy for the DEA? Has the lack of voice privacy been a problem for the DEA?

The purpose of the voice privacy program is to provide security to the two-way radio communications networks of DEA. This is made necessary by the monitoring of enforcement communications by the public and criminal elements with readily available, commercially-produced scanner/receivers. The purchase of the approximately 600 radios will permit the installation of the voice privacy system in one part of the country. To achieve nationwide voice security will involve purchases and installation over the next 4-5 years. The system will effectively eliminate outside monitoring by encrypting the officer's voice messages before transmission. The average time required to encode and decode the messages is approximately 10 milliseconds, thus affording, for practical purposes, real time operations. The transmissions will be protected by an extremely secure encryption; unauthorized intercepts would require months or perhaps years to unscramble, even with highly sophisticated computers.

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*The Rand study referred to is on file with the subcommittee.

30. Please give the Subcommittee the DEA's current recommendation as to moiety legislation. Provide proposed language for such a bill which the DEA would recommend be enacted.

What problems would such a bill solve for the DEA?

Title IV, Part C, of S.829, "Comprehensive Crime Control Act of 1983" contains the current recommendation as to moiety legislation. A copy of the pertinent pages of S.829 is attached.

The amendments in Part C achieve two purposes. First, they provide that the Attorney General may transfer drug-related property forfeited under Title 21, United States Code, to another Federal agency, or to an assisting state or local agency. Often state and local law enforcement agencies give significant assistance in drug investigations that result in forfeiture to the United States. However, there is presently no mechanism whereby the forfeited property may be transferred to these agencies for their official use.

Second, they provide for the deposit of monies realized by the United States in drug forfeitures into a Drug Asset Forfeiture Fund, from which monies could be appropriated to defray mounting costs associated with forfeiture actions. At present, these monies must be deposited in the general fund of the Treasury.

PART C

SEC. 409. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with subsection (j) of this section".

SEC. 410. (a) Section 511 of the Controlled Substances Act (21 U.S.C. 881) is amended by adding at the end the following new subsection:

"(j)(1) There is established in the United States Treasury a special fund to be known as the Drug Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriation Acts for the following purposes of the Department of Justice:

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to this Act or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under this Act, or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any provision of this Act or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission and mitigation procedures relating to property forfeited under this Act or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.).

"(2) Any reward paid from the fund for information concerning a forfeiture shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay a reward of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any reward for such information shall not exceed the lesser of $150,000 or one quarter of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts remaining after payment of expenses for forfeiture and sale under subsection (e) of this section.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For the purposes described in paragraph (1)(A), (B), and (C), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such amounts as may be necessary for the purpose described in paragraph (1)(D). Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the United States Treasury. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

31. In his opening remarks, Mr. Mullen stated that the "number of DEA fugitives has increased significantly." Please explain the significance of this fact.

Your quote from the transcript of the hearing that the "number of DEA fugitives has increased significantly" is, we believe an error in the transcription or an inadvertent misstatement by Mr. Mullen. At that point in his remarks Mr. Mullen was relating the increased activity of the FBI in drug-related matters. The sentence should read as follows: "The number of DEA fugitives arrested by the FBI has increased significantly."

On November 13, 1981, the FBI agreed to assist DEA in the apprehension of certain Class I and II fugitives. At that time 285 DEA fugitives were turned over to the FBI for their apprehension efforts thus freeing DEA agents to concentrate on their prime mission. Since then 209 of those fugitives have been cancelled, many due to FBI apprehension.

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